

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 05-CV-00329-GKF-SAJ
)	
TYSON FOODS, INC., et al.,)	
)	
Defendants.)	

**STATE OF OKLAHOMA'S RESPONSE TO GEORGE'S, INC.'S AND GEORGE'S
FARMS, INC.'S FIRST INTERROGATORIES AND
REQUESTS FOR PRODUCTION OF DOCUMENTS**

COMES NOW, the Plaintiff, the State of Oklahoma, ex rel. W.A. Drew Edmondson, in his capacity as Attorney General of the State of Oklahoma, and Oklahoma Secretary of the Environment, C. Miles Tolbert, in his capacity as the Trustee for Natural Resources for the State of Oklahoma under CERCLA, (hereinafter "the State") and hereby responds to George's, Inc. and George's Farms, Inc.'s (collectively "George's") First Set of Interrogatories and Requests for Production of Documents. The State reserves the right to supplement these responses.

GENERAL OBJECTIONS

1. The State objects to these discovery requests to the extent that they seek the discovery of information that is protected by the attorney-client privilege, the work product doctrine, and / or any other applicable privilege or protection under state or federal law.

2. The State objects to these discovery requests to the extent that they seek the discovery of information that is already in the possession of George's, is obtainable from another source that is more convenient, less burdensome or less expensive, or is as accessible to George's as it is to the State. As such, the burden of obtaining such sought-after information is substantially the same, or less, for the Defendant George's as it is for the State.

3. The State objects to these discovery requests to the extent that they are overly broad, oppressive, unduly burdensome and expensive to answer. Providing answers to such discovery requests would needlessly and improperly burden the State.

4. The State objects to these discovery requests to the extent that they improperly seek identification of "all" documents for each request. Such discovery requests are thus overly broad and unduly burdensome. It may be impossible to locate "all" documents or each item of responsive information to such discovery requests.

5. The State objects to the extent that discovery sought is unreasonably cumulative or duplicative.

6. The State objects to these discovery requests to the extent that they do not state with the required degree of specificity and particularity what information is being sought. As such, such discovery requests are vague, indefinite, ambiguous and not susceptible to easily discernible meaning.

7. The State objects to these discovery requests to the extent that the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, and the importance of the proposed discovery in resolving the issues.

8. The State objects to these discovery requests to the extent that they improperly attempt to impose obligations on the State other than those imposed by the Federal Rules of Civil Procedure.

9. The State objects to the instructions set forth in these discovery requests to the extent that they improperly expand or alter the obligations imposed by the Federal Rules of Civil Procedure. The State objects to the definitions of these discovery requests to the extent that they

improperly attempt to alter the plain meaning of certain words.

10. The State objects to these interrogatories to the extent they refer to the First Amended Complaint. The current operative Complaint is the Second Amended Complaint. The Second Amended Complaint is substantively identical to the First Amended Complaint with the exception of the Trespass Count. These interrogatories, however, refer to the First Amended Complaint and the corresponding paragraph numbers of that Complaint. The State will respond to interrogatories 14 through 23, with the exception of the Trespass Count, using the paragraph numbers of the First Amended Complaint.

11. By submitting these responses, the State does not acknowledge that the requested information is necessarily relevant or admissible. The State expressly reserves the right to object to further discovery into the subject matter of any information provided and to the introduction of such information into evidence.

ANSWERS AND OBJECTIONS TO INTERROGATORIES

INTERROGATORY NO. 1: If You contend that any current or former growers who raise(d) chickens under contract with George's ever stored or applied Litter in any amount or manner which was contrary to any Oklahoma Statute or Oklahoma Regulation or any Arkansas Statute or Arkansas Regulation, individually identify any such grower, and, for each, specify the date, place, and nature of the storage or application event(s) and identify the statute(s) and/or regulation(s) which You contend was/were violated.

RESPONSE TO INTERROGATORY NO. 1: The State incorporates its general objections. The State objects to this interrogatory to the extent it seeks information protected by the attorney client privilege or work product protection. Further, the State objects to this interrogatory to the extent that it seeks information known or opinions held by expert consultants

retained or specially employed by the State or by its counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B).

At this time, the State has not identified direct evidence of a violation of the applicable statutes or regulations by any current or former George's contract growers. The State does not, and need not, rely for evidence of its case on directly documenting each individual statutory violation, release or application of waste and directly tracing it from the bird to the injured resource. The State has substantial evidence, including particularized evidence with regard to George's, that can be found in grower files at ODAPP, evidence produced by George's, evidence in the State's scientific production, and evidence already produced to the Defendants, that tends to demonstrate violations of applicable statutes or regulations by the current and former growers for which George's is responsible. The statutes and regulations alleged to have been violated by George's or entities for which George's is legally responsible are identified in the State's Second Amended Complaint (Dkt #1215). George's own production of documents contains information regarding its growers and land application of poultry waste. Pursuant to Fed. R. Civ. P. 33(d) the State has produced grower and applicator files, which provide additional information regarding George's' growers' land application and storage of poultry waste, on June 15, 2006, Bates Nos. OKDA0000001-OKDA0010561 and OKDA0013013-OKDA0021846 as well as at subsequent onsite productions. Records produced at the Oklahoma Department of Agriculture, Food and Forestry specific to George's include, but are not limited to, Martin Bayer OKDA000798-000872, Dale Guthrie OKDA5266-5366, Vue Lor OKDA009500-009623, and Rickey Reed OKDA015150-015246. Additionally, the State has already provided its particularized sampling data, and will continue to provide additional data as it is developed. Contained within those productions are the following data associated with poultry waste or soil

applied with poultry waste from George's and/or persons/entities for which George's is legally responsible: STOK.6754 – STOK.6756; STOK.6769 – STOK.6771; STOK.6824 – STOK.6853; STOK.7215 – STOK.7218; STOK.18951; STOK.18979; STOK.18559 – STOK.18560; STOK.17320; STOK.23561; STOK.6893 – STOK.6895; STOK.6905 – STOK.6907; STOK.18979; STOK.17327; and STOK.2410. The State is continuing to process the data collected from poultry operations owned by George's or operations for which George's is legally responsible. When the analysis of those samples is complete, the State will provide those sample results to Georges. All of this evidence will be part of the State's case. The State continues its investigation of these matters and will seasonably supplement this response as the State develops and identifies additional responsive information in accordance with the Court's Scheduling Order.

Additionally, the State intends in part to demonstrate violations of these statutes and regulations through expert testimony that is based on (1) published treatises and peer reviewed articles on relevant and applicable subjects (discussed below), and (2) the evaluation of sampling and analysis data collected by the State, the United States Geological Survey and the United States Army Corps of Engineers, and the State's consultants. The State intends to call expert witnesses at trial who will demonstrate that storage and land application of the George's' wastes (i.e., the wastes of its growing operations and that of its contract growers) within the IRW releases contaminants contained in these wastes into the environment, and rainfall: (1) washes off the constituents of these wastes and the land applied soils, and they together run off of the area that was land applied and flow into IRW surface waters, and (2) discharges, seeps and leaches from the land applied soils into ground waters that flow into IRW surface waters. In particular, the State will demonstrate violations by, without limitation, the following:

- (A) Showing that the soils and karst geology that make up the IRW are particularly susceptible to surface water runoff and seepage and leaching into the groundwater. Additionally, the hydrogeological connection between and among the land surface, the ground waters and the surface waters within the IRW will demonstrate the "pathway" to and through surface and ground water that runs into the streams and rivers of the IRW and eventually into Lake Tenkiller;
- (B) Showing that a chemical "finger print" is found all along this water pathway (from waste application sites to Lake Tenkiller) by analysis and comparison of the chemical attributes of the Defendants' waste, the soils on which those wastes are applied, the groundwater and surface waters leaving land applied locations, the water and sediments of the streams and rivers that collect runoff and ground waters, and the sediments of Lake Tenkiller;
- (C) Conducting Lake Tenkiller core analyses and comparing them with (i) other lakes and (ii) poultry and waste growth and production;
- (D) Analyzing historical poultry waste contaminant concentration trends in the IRW surface waters (including Lake Tenkiller) and comparing with poultry production and waste volume in the IRW;
- (E) Demonstrating poultry waste indicator chemicals and substances at locations that are co-incident with locations within the IRW that experience injury for which the State seeks damages and injunctive relief;
- (F) Demonstrating that the density of poultry operations directly influences the concentrations of phosphorous in IRW streams and rivers and that the contributions

of phosphorous from land application of poultry waste causes the injuries to IRW water quality and biota for which the State seeks damages and injunctive relief;

(G) Showing that poultry waste is the major contributor of nutrients in the IRW using a nutrient mass balance analysis;

(H) Showing that poultry waste is a major contributor of pollutants in the IRW by other evidence.

The State and its experts are still collecting data and performing analysis on the data which will be used in their opinions and reports. The State has produced documents addressed by the Court's January 5, 2007 Order associated with the State's sampling program and will continue these productions on a rolling basis. See attached Exhibit 1. The State has also produced its expert affidavits and is producing its reliance materials associated with the Preliminary Injunction Motion in accordance with the Court's Scheduling Order. The expert opinions, reports and reliance documents that will show these violations are still being completed and will be provided to the Defendants in accordance with the Court's Scheduling Order (Dkt #1075).

INTERROGATORY NO. 2: If You contend that George's ever stored or applied Litter in any amount or manner which was contrary to any Oklahoma Statute or Oklahoma Regulation or any Arkansas Statute or Arkansas Regulation, then please specifically identify the date, place, and nature of the storage or application event(s) and identify the statute(s) and/or regulation(s) which You contend was/were violated.

RESPONSE TO INTERROGATORY NO. 2: The State incorporates its general objections. The State objects to this interrogatory to the extent it seeks information protected by the attorney client privilege or work product protection. Further, the State objects to this

interrogatory to the extent that it seeks information known or opinions held by expert consultants retained or specially employed by the State or by its counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B).

At this time, the State has not identified direct evidence of a violation of the applicable statutes or regulations by George's. The State does not, and need not, rely for evidence of its case on directly documenting each individual statutory violation, release or application of waste and directly tracing it from the bird to the injured resource. The State has substantial evidence, including particularized evidence with regard to George's, that can be found in grower files at ODAFF, evidence produced by George's, evidence in the State's scientific production, and evidence already produced to the Defendants, which tends to demonstrate violations of applicable statutes or regulations by the current and former growers for which George's is responsible. The statutes and regulations that have been violated by George's or entities for which George's is legally responsible are identified in the State's Second Amended Complaint (Dkt #1215). George's' own production of documents contains information regarding its growers and land application of poultry waste. Pursuant to Fed. R. Civ. P. 33(d) the State has produced grower and applicator files, which provide additional information regarding George's' and its growers' land application and storage of poultry waste, on June 15, 2006, Bates Nos. OKDA0000001-OKDA0010561 and OKDA0013013-OKDA0021846 as well as at subsequent onsite productions. Records produced at the Oklahoma Department of Agriculture, Food and Forestry specific to George's include, but are not limited to, Martin Bayer OKDA000798-000872, Dale Guthrie OKDA5266-5366, Vue Lor OKDA009500-009623, and Rickey Reed OKDA015150-015246. Additionally, the State has already provided its particularized sampling data, and will continue to provide additional data as it is developed. Contained within those

productions are the following data associated with poultry waste or soil applied with poultry waste from George's and/or persons/entities for which George's is legally responsible: STOK.6754 – STOK.6756; STOK.6769 – STOK.6771; STOK.6824 – STOK.6853; STOK.7215 – STOK.7218; STOK.18951; STOK.18979; STOK.18559 – STOK.18560; STOK.17320; STOK.23561; STOK.6893 – STOK.6895; STOK.6905 – STOK.6907; STOK.18979; STOK.17327; and STOK.2410. The State is continuing to process the data collected from poultry operations owned by George's or operations for which George's is legally responsible. When the analysis of those samples is complete, the State will provide the sample results to Georges. All of this evidence will be part of the State's case. The State continues its investigation of these matters and will seasonably supplement this response as the State develops and identifies additional responsive information in accordance with the Court's Scheduling Order.

Additionally, the State intends in part to demonstrate violations of these statutes and regulations through expert testimony that is based on (1) published treatises and peer reviewed articles on relevant and applicable subjects (discussed below), and (2) the evaluation of sampling and analysis data collected by the State, the United States Geological Survey and the United States Army Corps of Engineers, and the State's consultants. The State intends to call expert witnesses at trial who will demonstrate that storage and land application of the Defendants' wastes (i.e., the wastes of its growing operations and that of its contract growers) within the IRW releases contaminants contained in these wastes into the environment, and rainfall: (1) washes off the constituents of these wastes and the land applied soils, and they together run off of the area that was land applied and flow into IRW surface waters, and (2) discharges, seeps and

leaches from the land applied soils into ground waters that flow into IRW surface waters. In particular, the State will demonstrate violations by, without limitation, the following:

- (I) Showing that the soils and karst geology that make up the IRW are particularly susceptible to surface water runoff and seepage and leaching into the groundwater. Additionally, the hydrogeological connection between and among the land surface, the ground waters and the surface waters within the IRW will demonstrate the "pathway" to and through surface and ground water that runs into the streams and rivers of the IRW and eventually into Lake Tenkiller;
- (J) Showing that a chemical "finger print" is found all along this water pathway (from waste application sites to Lake Tenkiller) by analysis and comparison of the chemical attributes of the Defendants' waste, the soils on which those wastes are applied, the groundwater and surface waters leaving land applied locations, the water and sediments of the streams and rivers that collect runoff and ground waters, and the sediments of Lake Tenkiller;
- (K) Conducting Lake Tenkiller core analyses and comparing them with (i) other lakes and (ii) poultry and waste growth and production;
- (L) Analyzing historical poultry waste contaminant concentration trends in the IRW surface waters (including Lake Tenkiller) and comparing with poultry production and waste volume in the IRW;
- (M) Demonstrating poultry waste indicator chemicals and substances at locations that are co-incident with locations within the IRW that experience injury for which the State seeks damages and injunctive relief;

- (N) Demonstrating that the density of poultry operations directly influences the concentrations of phosphorous in IRW streams and rivers and that the contributions of phosphorous from land application of poultry waste causes the injuries to IRW water quality and biota for which the State seeks damages and injunctive relief;
- (O) Showing that poultry waste is the major contributor of nutrients in the IRW using a nutrient mass balance analysis;
- (P) Showing that poultry waste is a major contributor of pollutants in the IRW by other evidence.

The State and its experts are still collecting data and performing analysis on the data which will be used in their opinions and reports. The State has produced documents addressed by the Court's January 5, 2007 Order associated with the State's sampling program and will continue these productions on a rolling basis. See Exhibit 1. The State has also produced its expert affidavits and is producing its reliance materials associated with the Preliminary Injunction Motion in accordance with the Court's Scheduling Order. The expert opinions, reports and reliance documents that will show these violations are still being completed and will be provided to the Defendants in accordance with the Court's Scheduling Order (Dkt #1075).

INTERROGATORY NO. 3: Do You contend that any Litter which was stored or applied, by any Current or former growers who raise(d) chickens under contract with George's, within that part of the Illinois River Watershed situated in Oklahoma in full compliance with Oklahoma Statutes and Oklahoma Regulations applicable at the time of the storage or application has caused You any injury for which You seek any relief in this action?

RESPONSE TO INTERROGATORY NO. 3: The State incorporates its general objections. The State objects to this interrogatory to the extent it seeks information protected by

the attorney client privilege or work product protection. Further, the State objects to this interrogatory to the extent that it seeks information known or opinions held by expert consultants retained or specially employed by the State or by its counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B). Additionally, the State objects to this Interrogatory in that it is vague and ambiguous as to the meaning of the term "full compliance." The State also objects to this Interrogatory in that it is vague and ambiguous and capable of being misconstrued in that it fails to state with specificity which applicable Oklahoma statutes and regulations are at issue in its inquiry: *some* applicable Oklahoma statutes and regulations or *all* applicable Oklahoma statute and regulations. The State will answer this Interrogatory assuming that it inquires as to *all* applicable Oklahoma statutes and regulations. The State further objects to this Interrogatory in that it is a hypothetical; George's has not identified any poultry waste stored or applied by current or former George's growers within that part of the Illinois River Watershed situated in Oklahoma that has been in "full compliance" with *all* Oklahoma statutes and Oklahoma regulations applicable at the time of the storage or application (that is, that, without limitation, none of the poultry waste has run-off, has leached, has been released, or has been discharged, has been disposed of into the environment or had an adverse environmental impact). Relatedly, the State also objects to this Interrogatory in that it is vague and ambiguous inasmuch as it would require the State to assume facts which are disputed in this case and fails to identify which instances of storage or application that it purports to be in "full compliance" with *all* Oklahoma statutes and Oklahoma regulations. Yet further, the State objects to this Interrogatory in that it is vague and ambiguous inasmuch as it improperly characterizes the relief that the State is seeking. Finally, the State objects to this Interrogatory in that it is irrelevant; even assuming *arguendo* that there had been "full compliance" with a

statutory or regulatory scheme, such "full compliance" would not necessarily immunize a party from all other liability.

Subject to and without waiving these objections or its general objections, as well as the explanations contained herein, the State does not contend that any current or former George's grower stored or applied poultry waste "in full compliance" with *all* Oklahoma statutes and regulations. The State is seeking all of the relief set forth in its Second Amended Complaint under federal law and state law and common law for the injuries detailed therein.

INTERROGATORY NO. 4: Do You contend that any Litter which was stored or applied, by any Current or former growers who raise(d) chickens under contract with George's, within that part of the Illinois River Watershed situated in Arkansas in full compliance with Arkansas Statutes and Arkansas Regulations applicable at the time of the storage or application has caused You any injury for which You seek any relief in this action?

RESPONSE TO INTERROGATORY NO. 4: The State incorporates its general objections. The State objects to this interrogatory to the extent it seeks information protected by the attorney client privilege or work product protection. Further, the State objects to this interrogatory to the extent that it seeks information known or opinions held by expert consultants retained or specially employed by the State or by its counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B). Additionally, the State objects to this Interrogatory in that it is vague and ambiguous as to the meaning of the term "full compliance." The State also objects to this Interrogatory in that it is vague and ambiguous and capable of being misconstrued in that it fails to state with specificity which applicable Arkansas statutes and regulations are at issue in its inquiry: *some* applicable Arkansas statutes and regulations or *all* applicable Arkansas statute and regulations. The State will answer this Interrogatory assuming

that it inquires as to *all* applicable Arkansas statutes and regulations. The State further objects to this Interrogatory in that it is a hypothetical; George's has not identified any poultry waste stored or applied by current or former George's growers within that part of the Illinois River Watershed situated in Arkansas that has been in "full compliance" with *all* Arkansas statutes and Arkansas regulations applicable at the time of the storage or application. Relatedly, the State also objects to this Interrogatory in that it is vague and ambiguous inasmuch as it would require the State to assume facts which are disputed in this case and fails to identify which instances of storage or application that it purports to be in "full compliance" with *all* Arkansas statutes and Arkansas regulations. Yet further, the State objects to this Interrogatory in that it is vague and ambiguous inasmuch as it improperly characterizes the relief that the State is seeking. Finally, the State objects to this Interrogatory in that it is irrelevant; even assuming *arguendo* that there had been "full compliance" with a statutory or regulatory scheme, such "full compliance" would not necessarily immunize a party from all other liability.

Subject to and without waiving these objections or its general objections, as well as the explanations contained herein, the State does not contend that any current or former George's grower stored or applied poultry waste "in full compliance" with *all* Arkansas statutes and regulations. The State is seeking all of the relief set forth in its Second Amended Complaint under federal law and state law and common law for the injuries detailed therein.

INTERROGATORY NO. 5: Please identify all reports, studies, publications, research, sampling data or monitoring data which demonstrates or which You believe tends to demonstrate that the soil, water, sediments or biota in the Illinois River Watershed has been injured by or become contaminated with zinc or zinc compounds disposed of or released by George's or any Current or former growers who raise(d) chickens under contract with George's.

RESPONSE TO INTERROGATORY NO. 5: The State incorporates its general objections. The State objects to this interrogatory to the extent it seeks information protected by the attorney client privilege or work product protection. Further, the State objects to this interrogatory to the extent that it seeks information known or opinions held by expert consultants retained or specially employed by the State or by its counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B).

The State objects to this interrogatory on the ground that it improperly seeks identification of "all" items of responsive information, which renders it overly broad and oppressive. It may be impossible to locate "all" items of responsive information to this interrogatory.

The State further objects to this interrogatory on the grounds that the injury suffered by the State is indivisible, and therefore, the State does not, and need not, rely for evidence of its case on the respective contributions of each individual poultry integrator defendant by quantifying such information. Should the State determine at some time in the future that it will rely on such quantification, it will supplement its responses with specific documentation.

The State has not completed its analysis of the effects of zinc or zinc compounds in the Illinois River Watershed. The State is continuing to characterize such effects to the Illinois River Watershed caused by the Poultry Integrator Defendants including George's and Entities for which George's is legally responsible. Once that task is completed, the State will provide additional information by supplementing its response to this Interrogatory, or by providing expert reports.

Subject to and without waiver of any objection, the following list of documents is representative, but not exhaustive of documents identified by the State regarding injury or contamination of the Illinois River Watershed by zinc or zinc compounds:

Blackerby, S.D. (1997), Evaluation of Nonpoint Source Pollution Concentrations Due to Runoff from Agricultural Land Applied with Broiler Litter. M.S. Thesis, Stephen F. Austin State University, Nacogdoches, 100 p.

Brown, A.V., Graening, G.O., Vendrell, P., (1998) Monitoring Cavefish Population and Environmental Quality in Cave Springs Cave, Arkansas. Arkansas Water Resource Center, Publication No. MSC-214

Haapapuro, E.R., Barnard, N.D., Simon, M. (1997) Review-Animal Waste Used as Livestock Feed: Dangers to Human Health. Preventive Medicine 26:599-602.

Moore, P.A., Jr., Daniel, T.C.; Gilmour, J.T.; Shreve, B.R., Edwards, D.R. (1998) Decreasing Metal Runoff from Poultry Litter with Aluminum Sulfate. Journal of Environmental Quality. 27:92-99

Wilde, F.D., Britton, L.J., Miller, C.V, Kolpin, D.W. (2000) Effects of Animal Feeding Operations on Water Resources and the Environment-Proceedings of the technical meeting, Fort Collins, Colorado, August 30-September 1, 1999. United States Geological Survey Open-File Report 00-204, 107 p.

Analytical results for zinc and zinc compounds are contained in the reports from Aquatic Research and A&L Analytical Laboratories in the State's Court Ordered Scientific Production, specifically, including but not limited to the following:

STOK1038-3795

STOK3796-6450

STOK6451-8516

STOK8517-11188

STOK11189-13839

STOK14367-14521

STOK22220-22824

STOK22825-23337

STOK24527-24616

STOK24617-24687

The expert opinions, reports and reliance documents are still being completed and will be provided to the Defendants in accordance with the Court's Scheduling Order (Dkt #1075). The State reserves the right to supplement this interrogatory if additional responsive information is identified.

INTERROGATORY NO. 6: Please identify all reports, studies, publications, research, sampling data or monitoring data which demonstrates or which You believe tends to demonstrate that the soil, water, sediments or biota in the Illinois River Watershed has been injured by or become contaminated with copper or copper compounds disposed of or released by George's or any Current or former growers who raise(d) chickens under contract with George's.

RESPONSE TO INTERROGATORY NO. 6: The State incorporates its general objections. The State objects to this interrogatory to the extent it seeks information protected by the attorney client privilege or work product protection. Further, the State objects to this interrogatory to the extent that it seeks information known or opinions held by expert consultants retained or specially employed by the State or by its counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B).

The State objects to this interrogatory on the ground that it improperly seeks identification of "all" items of responsive information, which renders it overly broad, unduly burdensome and oppressive. It may be impossible to locate "all" items of responsive information to this interrogatory.

The State further objects to this interrogatory on the grounds that the injury suffered by the State is indivisible, and therefore, the State does not, and need not, rely for evidence of its case on the respective contributions of each individual poultry integrator defendant by quantifying such information. Should the State determine at some time in the future that it will rely on such quantification, it will supplement its responses with specific documentation.

The State has not completed its analysis of the effects of copper or copper compounds in the Illinois River Watershed. The State is continuing to characterize such effects to the Illinois River Watershed caused by the Poultry Integrator Defendants including George's and Entities for which George's is legally responsible. Once that task is completed, the State will provide additional information by supplementing its response to this interrogatory, or by providing expert reports.

Subject to and without waiver of any objection, the following list of documents is representative, but not exhaustive of documents identified by the State regarding injury or contamination of the Illinois River Watershed by copper or copper compounds:

Adamski, J.C. (1987), The Effect of Agriculture on the Quality of Ground Water in a Karstified Carbonate Terrain, Northwest Arkansas. M.S. Thesis, University of Arkansas, 124 p. (see pages 71-81).

Al-Qinna, M. I. (2003), Measuring and Modeling Soil Water and Solute Transport with Emphasis on Physical Mechanisms in Karst Topography. Ph.D., United States -- Arkansas University of Arkansas 272 p. (see pages 1, 5-8, 39-42, 61-63, 107, 198-200).

Bolan, N. S., Adriano, D. C., Mahimairaja, S. (2004), Distribution and Bioavailability of Trace Elements in Livestock and Poultry Manure by-Products. *Critical Reviews in Environmental Science and Technology* 34(3): 291-338. (see pages 292-293, 295, 297, 302-306, 308, 312-313, 326).

Brown, A.V., Graening, G. O., Vendrell, P. (1998), Monitoring Cavefish Population and Environmental Quality in Cave Springs Cave, Arkansas. Arkansas Water Resource Center Publication No. MSC-214. P 28.

Edwards, D. R., Nichols, D. J., Moore, P. A., Jr., Daniel, T. C., Srivastava, P. (1997), Vegetative Filter Strip Removal of Metals in Runoff from Poultry Litter-Amended Fescuegrass Plots. *Transactions - American Society of Agricultural Engineers* 40(1): 121-127. (see pages 121, 124-126).

Gascho, G. and Hubbard, R. (2006), Long-Term Impact of Broiler Litter on Chemical Properties of a Coastal Plain Soil. *Journal of Soil and Water Conservation* 61(2): 65-74. (see pages 65, 70-74).

Graening, G. O. and Brown, A.V. (2000), Trophic Dynamics and Pollution Effects in Cave Springs Cave, Arkansas: A Final Report Submitted to the Arkansas Natural Heritage Commission. Arkansas Water Resources Center MSC-285. 44 p. (see pages 1, 13, 18, 27, 29, 32, 34).

Graening, G. O. and Brown, A.V. (2003), Ecosystem Dynamics and Pollution Effects in an Ozark Cave Stream. *Journal of the American Water Resources Association* 39(6): 1497-1507. (see pages 1498, 1503, 1505-1506)

Moore, P. A., Jr., Daniel, T. C., Gilmour, J. T., Shreve, B. R., Edwards, D. R., Wood, B H. (1998) Decreasing Metal Runoff from Poultry Litter with Aluminum Sulfate. *Journal of Environmental Quality* 27(1): 92-99. (see pages 92, 94-96).

Oklahoma Water Resources Board, U.S. Army Corps of Engineers and Oklahoma State University. 1996. Diagnostic and Feasibility Study on Tenkiller Lake, Oklahoma. Sponsored by USEPA. Available at <http://www.owrb.ok.gov/studies/reports/reports.php>.

Analytical results for copper and copper compounds are contained in the reports from Aquatic Research and A&L Analytical Laboratories in the State's Court Ordered Scientific Production, specifically, but not limited to the following:

STOK1038-3795

STOK3796-6450

STOK6451-8516

STOK8517-11188

STOK11189-13839

STOK14367-14521

STOK22220-22824

STOK22825-23337

STOK24527-24616

STOK24617-24687

The expert opinions, reports and reliance documents are still being completed and will be provided to the Defendants in accordance with the Court's Scheduling Order (Dkt #1075).

The State reserves the right to supplement this interrogatory if additional responsive information is identified.

INTERROGATORY NO. 7: Please identify all reports, studies, publications, research, sampling data or monitoring data which demonstrates or which You believe tends to demonstrate that the soil, water, sediments or biota in the Illinois River Watershed has been injured by or become contaminated with hormones disposed of or released by George's or any Current or former growers who raise(d) chickens under contract with George's.

RESPONSE TO INTERROGATORY NO. 7: The State incorporates its general objections. The State objects to this interrogatory to the extent it seeks information protected by the attorney client privilege or work product protection. Further, the State objects to this interrogatory to the extent that it seeks information known or opinions held by expert consultants retained or specially employed by the State or by its counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B).

The State objects to this interrogatory on the ground that it improperly seeks identification of "all" items of responsive information, which renders it overly broad, unduly burdensome and oppressive. It may be impossible to locate "all" items of responsive information to this interrogatory.

The State further objects to this interrogatory on the grounds that the injury suffered by the State is indivisible, and therefore, the State does not, and need not, rely for evidence of its

case on the respective contributions of each individual poultry integrator defendant by quantifying such information. Should the State determine at some time in the future that it will rely on such quantification, it will supplement its responses with specific documentation.

The State has not completed its analysis of the effects of hormones in the Illinois River Watershed. The State is continuing to characterize such effects to the Illinois River Watershed caused by the Poultry Integrator Defendants including the George's entities for which George's are legally responsible. Once that task is completed, the State, through appropriate experts, will provide additional information by supplementing its response to this Interrogatory, or by providing expert reports.

Subject to and without waiver of any objection, the following list of documents is representative, but not exhaustive of documents identified by the State regarding injury or contamination of the Illinois River Watershed by hormones:

Finlay-Moore, O., Hartel, P. G., and Cabrera, M. L. (2000), 17 Beta-Estradiol and Testosterone in Soil and Runoff from Grasslands Amended with Broiler Litter. *Journal of Environmental Quality* 29(5): 1604-1611. (see pages 1604, 1608-1610).

Peterson, E. W., Davis, R. K., and Orndorff, H. A. (2000), 17 Beta-Estradiol as an Indicator of Animal Waste Contamination in Mantled Karst Aquifers. *Journal of Environmental Quality* 29(3): 826-834. (see pages 826-827, 829-833)

Wicks, C., Kelley, C., and Peterson, E. (2004), Estrogen in a Karstic Aquifer. *Ground Water* 42(3): 384-389. (see pages 384, 388).

Bidwell, Joseph A. 2006. Occurrence of Pharmaceuticals, Hormones, and other Organic Wastewater Contaminants in Cave Water within the Lower Neosho and Illinois River Basins, Oklahoma. Water Resources Research Project 2006OK60B; abstract available at <http://www.osu-ours.okstate.edu/research/06/CAS06.htm>.

USGS 2002. Pharmaceuticals, hormones, and other Organic Wastewater Contaminants in U.S. Streams. Available at <http://toxics.usgs.gov/pubs/FS-027-02/>.

In addition, the State refers George's to the following Bates ranges and location from the State's scientific document production, including but not limited to the following:

1. Analytical report re GEL data, Bates Nos. STOK 23338-23356, Box 1.
2. GEL laboratory chain of custody reports, Bates Nos. STOK 23357-23395, Box 1.
3. Analytical report re GEL data, Bates Nos. STOK 23396-23574, Box 1.
4. GEL laboratory chain of custody reports, Bates Nos. STOK 23755-23793, Box 1.
5. Analytical report re GEL data, Bates Nos. STOK 23794-24162, Box 1.

The expert opinions, reports and reliance documents are still being completed and will be provided to the Defendants in accordance with the Court's Scheduling Order (Dkt #1075). The State reserves the right to supplement this interrogatory.

INTERROGATORY NO. 8: Please identify all reports, studies, publications, research, sampling data or monitoring data which demonstrates or which You believe tends to demonstrate that the soil, water, sediments or biota in the Illinois River Watershed has been injured by or become contaminated with microbial pathogens disposed of or released by George's or any Current or former growers who raise(d) chickens under contract with George's.

RESPONSE TO INTERROGATORY NO. 8: The State incorporates its general objections. The State objects to this interrogatory to the extent it seeks information protected by the attorney client privilege or work product protection. Further, the State objects to this interrogatory to the extent that it seeks information known or opinions held by expert consultants retained or specially employed by the State or by its counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B).

The State objects to this interrogatory on the ground that it improperly seeks identification of "all" items of responsive information, which renders it overly broad, unduly burdensome and oppressive. It may be impossible to locate "all" items of responsive information to this interrogatory.

The State further objects to this interrogatory on the grounds that the injury suffered by the State is indivisible, and therefore, the State does not, and need not, rely for evidence of its case on the respective contributions of each individual poultry integrator defendant by quantifying such information. Should the State determine at some time in the future that it will rely on such quantification, it will supplement its responses with specific documentation.

The State has not completed its analysis of the effects of microbial pathogens in the Illinois River Watershed. The State is continuing to characterize the effects of to the Illinois River Watershed caused by the Poultry Integrator Defendants including George's and Entities for which George's is legally responsible. However, the State has completed its much of its investigation regarding microbial pathogens for the State's Motion for Preliminary Injunction. The experts Preliminary Injunction reliance material will be disclosed in accordance with the Court's scheduling order regarding the Preliminary Injunction. Any additional expert opinion and reliance materials will be disclosed in accordance with the Court's Scheduling Order.

Subject to and without waiver of any objection, the following list of documents is representative, but not exhaustive of documents identified by the State regarding injury or contamination of the Illinois River Watershed by microbial pathogens:

Avery, L. M., Killham, K., and Jones, D. L. (2005), Survival of E. Coli O157:H7 in Organic Wastes Destined for Land Application. *Journal of Applied Microbiology* 98(4): 814-22. (see pages 814-815, 820-821).

Coyne, M. S. and Blevins, R. L. (1995), Fecal Bacteria in Surface Runoff from Poultry-Manured Fields. *Animal Waste and the Land-Water Interface*. Boca Raton, Lewis Publishers: 77-87. (see pages 77, 80, 82, 85-86).

Crane, S.R., Westerman, P.W., and Overcash, M. R. (1980), Dieoff of Fecal Indicator Organisms Following Land Application of Poultry Manure. *Journal of Environmental Quality*, 9: 531-537. (see pages 531, 537).

Davis, J. V. and Bell, R. W. (1998), Water-Quality Assessment of the Ozark Plateaus Study Unit, Arkansas, Kansas, Missouri, and Oklahoma; Nutrients, Bacteria, Organic Carbon, and

Suspended Sediment in Surface Water, 1993-95. United States Geological Survey 98-4164. 63 p. (see pages 1, 5, 7, 10, 19, 37-38).

Davis, R. K., Hamilton, S., and Van Brahana, J. (2005), Escherichia Coli Survival in Mantled Karst Springs and Streams, Northwest Arkansas Ozarks, U.S.A. *Journal of the American Water Resources Association* 41(6): 1279-1287 (see pages 1279-1280, 1284-1286).

Mawdsley, J. L., Bardgett, R. D., Merry, R. J., Pain, B. F., and Theodorou, M. K. (1995), Pathogens in Livestock Waste, Their Potential for Movement through Soil and Environmental Pollution. *Applied Soil Ecology : A Section of Agriculture, Ecosystems & Environment* 2(1): 1-15. (see pages 1-12).

Schlottmann, A. L. 2000. Reconnaissance of the Hydrology, Water Quality, and Sources of Bacterial and Nutrient Contamination in the Ozark Plateaus Aquifer System and Cave Springs Branch of Honey Creek, Delaware County, Oklahoma, March 1999-March 2000. Water-Resources Investigations Report 00-4210, available at <http://pubs.usgs.gov/wri/wri004210/>

Coordinated Watershed Restoration and Protection Strategy for Oklahoma's Impaired Scenic Rivers (SB 972 Report), issued in 2003, 2004, 2005, and 2006. Full text of reports are located at <http://www.ose.state.ok.us/documents.html#972>.

Office of the Secretary for the Environment. 2003. Coordinated Watershed Restoration and Protection Strategy for Oklahoma's Impaired Scenic Rivers (per Senate Bill 972, 2nd Session of the 48th Legislature, 2002). Available at <http://www.environment.ok.gov/documents.html>.

Office of the Secretary for the Environment. 2004. Coordinated Watershed Restoration and Protection Strategy for Oklahoma's Impaired Scenic Rivers (per Senate Bill 972, 2nd Session of the 48th Legislature, 2002), Calendar Year 2003 Update Report. Available at <http://www.environment.ok.gov/documents.html>.

Office of the Secretary for the Environment. 2005. Coordinated Watershed Restoration and Protection Strategy for Oklahoma's Impaired Scenic Rivers (per Senate Bill 972, 2nd Session of the 48th Legislature, 2002), 2005 Update. Available at <http://www.environment.ok.gov/documents.html>.

Office of the Secretary for the Environment. 2006. Coordinated Watershed Restoration and Protection Strategy for Oklahoma's Impaired Scenic Rivers (per Senate Bill 972, 2nd Session of the 48th Legislature, 2002), 2006 Update. Available at <http://www.environment.ok.gov/documents.html>.

Office of the Secretary for the Environment. 2007. Coordinated Watershed Restoration and Protection Strategy for Oklahoma's Impaired Scenic Rivers (per Senate Bill 972, 2nd Session of the 48th Legislature, 2002), 2007 Update.

Report: USGS Preliminary Analysis of Phosphorus Concentrations and Fecal-Indicator Bacteria Counts at Selected Sites in the Illinois River Basin in Oklahoma, 1997-2001 OSRC 2-13.

Oklahoma's Beneficial Use Monitoring Program – Final Report 1998 OSRC Log 2-15

Oklahoma's Beneficial Use Monitoring Program – 1999 Final Report OSRC Log 2-16

Oklahoma's Beneficial Use Monitoring Program raw data given at the OWRB document production and located in the sliding filing cabinets all associated reports.

Oklahoma's Beneficial Use Monitoring Program Water Quality Database produced at the OWRB.

Oklahoma Department of Environmental Quality (1998 -2004), Water Quality Assessment Integrated Reports. <http://www.deq.state.ok.us>

USGS Surface Water Data for the Illinois River Basin, Water Quantity and Quality parameters located at: http://ar.water.usgs.gov/sun/data-bin/get_data?control=multiple&group_nm=illinois

OWRB Water Quality Data Viewer, all stations in the Illinois River Watershed, including Lake Tenkiller, located at: <http://www.owrb.ok.gov/maps/server/wims.php>

The State refers George's to the following Bates ranges and location from the State's scientific document production:

1. Food Protech, Bates Nos. STOK 14522-14606, Box 7.
2. EML Data: 233292-259309, Bates Nos. STOK 18541-18764.
3. EML Data: 225284-233290, Bates Nos. STOK 18765-18984.
4. EML Data: 215478-225279, Bates Nos. STOK 18985-19197.
5. EML Data: 153505-214398, Bates Nos. STOK 19198-19414.
6. EML bacteria data (including chain of custody), Bates Nos. STOK 24163-24218.
7. EML bacteria reports, Bates Nos. STOK 24482-24493.
8. Biosep, Bates Nos. STOK 20402-20438
9. USGS Data, Bates Nos. STOK 18518-18540.
10. EML data, Bates Nos. STOK 28763-28766
11. EML, Bates Nos. STOK 28767-28770
12. EML, Bates Nos. STOK 28771-28773

13. EML, Bates Nos. STOK28774-28776
14. EML, Bates Nos. STOK28777-28781
15. EML, Bates Nos. STOK28782-28785
16. EML, Bates Nos. STOK28786-28788
17. EML, Bates Nos. STOK28789-28791
18. EML, Bates Nos. STOK28792-28794
19. EML, Bates Nos. STOK28795-28797
20. EML, Bates Nos. STOK28798-28800
21. EML, Bates Nos. STOK28801-28804
22. EML, Bates Nos. STOK28805-28807
23. EML, Bates Nos. STOK28808-28810
24. EML, Bates Nos. STOK28811-28813
25. EML, Bates Nos. STOK28814-28817
26. EML, Bates Nos. STOK28818-28820
27. EML, Bates Nos. STOK30432-30472
28. BACTI database produced from the Oklahoma Department of Environmental Quality.
29. 2003 Oklahoma Vital Statistics, produced from Oklahoma Department of Health on October 22, 2007.
30. 2004 Oklahoma Vital Statistics, produced from Oklahoma Department of Health on October 22, 2007.
31. 1998, 2000, 2001, Adair County Profile, produced from Oklahoma Department of Health on October 22, 2007.

32. 2002, 2003, 2004, 2005 Annual Summary of Infectious Diseases, produced from Oklahoma Department of Health on October 22, 2007.

33. Adair County Health Statistics, produced from Oklahoma Department of Health on October 22, 2007.

34. Cherokee County Health Statistics, produced from Oklahoma Department of Health on October 22, 2007.

35. Delaware County Health Statistics, produced from Oklahoma Department of Health on October 22, 2007.

36. Sequoyah County Health Statistics, produced from Oklahoma Department of Health on October 22, 2007.

37. Affidavit of Dr. Valerie J. Harwood (DKT #1373) and all reliance materials that will be produced in accordance with the Court's Scheduling Order regarding the Preliminary Injunction.

38. Affidavit of Dr. Christopher Teaf, and all reliance materials that will be produced in accordance with the Court's Scheduling Order regarding the Preliminary Injunction.

39. Affidavit of Dr. Roger Olsen, and all reliance materials that will be produced in accordance with the Court's Scheduling Order regarding the Preliminary Injunction.

40. Affidavit of Dr. Robert Lawrence, and all reliance materials that will be produced in accordance with the Court's Scheduling Order regarding the Preliminary Injunction.

41. Affidavit of Dr. J. Berton Fisher, and all reliance materials that will be produced in accordance with the Court's Scheduling Order regarding the Preliminary Injunction.

42. Affidavit of Dr. Bernard Engel and all reliance materials that will be produced in accordance with the Court's Scheduling Order regarding the Preliminary Injunction.

43. USGS data attached hereto as Exhibit 2.

The expert opinions, reports and reliance documents are still being completed and will be provided to the Defendants in accordance with the Court's Scheduling Order (Dkt #1075).

The State reserves the right to supplement this interrogatory if additional responsive information is identified.

INTERROGATORY NO. 9: Please identify all reports, studies, publications, research, modeling, sampling data or monitoring data which assesses or purports to assess the alleged contribution of George's or any Current or former growers who raise(d) chickens under contract with George's to any injury, loss, damage, destruction, impairment or endangerment to the natural resources within the Illinois River Watershed due that You allege is due to the release or disposal of phosphorus/phosphorus compounds, nitrogen/nitrogen compounds, arsenic/arsenic compounds, zinc/zinc compounds, copper/copper compounds, hormones or microbial pathogens.

RESPONSE TO INTERROGATORY NO. 9: The State incorporates its general objections. The State further objects to this interrogatory to the extent it seeks information protected by the attorney client privilege or work product protection. The State yet further objects to this interrogatory to the extent that it seeks information known or opinions held by expert consultants retained or specially employed by the State or by its counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B). Additionally, the State objects to this interrogatory on the ground that it improperly seeks identification of "all" items of responsive information, which thereby renders it overly broad, unduly burdensome and oppressive. It may be impossible to locate "all" items of responsive information to this interrogatory. Further, the State objects to the term "contribution" as being vague and ambiguous inasmuch as in the context of this interrogatory it is susceptible of several differing

meanings. Finally, the State objects to this interrogatory on the ground that it is cumulative of interrogatories previously responded to by the State, and therefore is harassing and burdensome.

Subject to and without waiving these objections or its general objections, the State states that it has previously provided various Defendants (with whom George's is apparently participating in a joint defense) listings of reports, studies, publications, research, and modeling, sampling data and monitoring data (and in some instances the reports, studies, publications, research, and modeling, sampling data and monitoring data themselves) as examples of reports, studies, publications, research, and modeling, sampling data and monitoring data which support the State's contention that the Illinois River Watershed has resulted in injury, loss, damage, destruction, impairment or endangerment to the natural resources due to the release or disposal of phosphorus/phosphorus compounds, nitrogen/nitrogen compounds, arsenic/arsenic compounds, zinc/zinc compounds, copper/copper compounds, hormones, or microbial pathogens. *See, e.g.,* State's Responses and Objections to Tyson Foods' First Set of Interrogatories (including all supplements thereto), Interrogatories 8 & 10. These materials likewise evidence or demonstrate that natural resources within the Illinois River Watershed have suffered or are suffering loss, damage, destruction, impairment or endangerment by phosphorus/phosphorus compounds, nitrogen/nitrogen compounds, arsenic/arsenic compounds, zinc/zinc compounds, copper/copper compounds, hormones, or microbial pathogens disposed of or released by George's and persons/entities for which George's is legally responsible. Accordingly, as part of its response, the State directs George's to the State's responses and objections to interrogatory numbers 8 and 10 of Tyson Foods' First Set of Interrogatories (including all supplements thereto). Additionally, as part of its response, the State directs George's to the affidavits of the experts submitted in connection with the State's motion for preliminary injunction and the accompanying

productions of expert materials. As part of its response, the State also directs George's to its scientific productions made in connection with the Court's January 5, 2007 Order. Contained within those productions are the following data associated with poultry waste or soil applied with poultry waste from George's and/or persons/entities for which George's is legally responsible: STOK.6754 – STOK.6756; STOK.6769 – STOK.6771; STOK.6824 – STOK.6853; STOK.7215 – STOK.7218; STOK.18951; STOK.18979; STOK.18559 – STOK.18560; STOK.17320; STOK.23561; STOK.6893 – STOK.6895; STOK.6905 – STOK.6907; STOK.18979; STOK.17327; and STOK.2410. Additionally, responsive information may be found in George's own production and in records produced at the Oklahoma Department of Agriculture, Food and Forestry including, but not limited to Martin Bayer OKDA000798-000872, Dale Guthrie OKDA5266-5366, Vue Lor OKDA009500-009623, and Rickey Reed OKDA015150-015246. The State is continuing to process the data collected from poultry operations owned by George's or operations for which George's is legally responsible. When the analysis of those samples is complete the State will provide them to Georges. The State continues its investigation of these matters and will seasonably supplement this response as the State develops and identifies additional responsive information in accordance with the Court's Scheduling Order.

Finally, as part of its response, the State directs George's to the following:

Al-Qinna, M. I. (2003), Measuring and Modeling Soil Water and Solute Transport with Emphasis on Physical Mechanisms in Karst Topography. Ph.D., United States -- Arkansas University of Arkansas 272 p. **(see pages 1, 5-8, 39-42, 61-63, 107, 198-200).**

Arai, Y., Lanzirrotti, A., Sutton, S., Davis, J. A., and Sparks, D. L. (2003), Arsenic Speciation and Reactivity in Poultry Litter. *Environmental Science and Technology* 37(18): 4083-90. **(see pages 4083, 4089).**

Avery, L. M., Killham, K., and Jones, D. L. (2005), Survival of E. Coli O157:H7 in Organic Wastes Destined for Land Application. *Journal of Applied Microbiology* 98(4): 814-22. **(see pages 814-815, 820-821).**

Bellows, B. C. (2005), Arsenic in Poultry Litter: Organic Regulations. A Publication of ATTRA, the National Sustainable Agriculture Information Service 12 p. (see pages 1-8).

Bitton, G. and Gerba, C. P. (1994), *Groundwater Pollution Microbiology*. Krieger Pub. Co. 377 p. (see pages vii, 50-51, 199-203).

Coyne, M. S. and Blevins, R. L. (1995), Fecal Bacteria in Surface Runoff from Poultry-Manured Fields. *Animal Waste and the Land-Water Interface*. Boca Raton, Lewis Publishers: 77-87. (see pages 77, 80, 82, 85-86).

Crane, S R, Westerman, P W, and Overcash, M R. (1980) Dieoff of Fecal Indicator Organisms Following Land Application of Poultry Manure. *Journal of Environmental Quality* 9: 531-537. (see pages 531, 537).

Davis, J. V. and Bell, R.W. (1998), Water-Quality Assessment of the Ozark Plateaus Study Unit, Arkansas, Kansas, Missouri, and Oklahoma; Nutrients, Bacteria, Organic Carbon, and Suspended Sediment in Surface Water, 1993-95. United States Geological Survey 98-4164. 63 p. (see pages 1, 5, 7, 10, 19, 37-38).

Davis, R. K., Brahana, J. V., and Johnston, J. S. (2000), Ground Water in Northwest Arkansas: Minimizing Nutrient Contamination from Non-Point Sources in Karst Terrain. Arkansas Water Resources Center MSC- 288. 69 p. (see pages 1-3, 8, 19-21, 43-44).

Davis, R. K., Hamilton, S., and Van Brahana, J. (2005), Escherichia Coli Survival in Mantled Karst Springs and Streams, Northwest Arkansas Ozarks, U.S.A. *Journal of the American Water Resources Association* 41(6): 1279-1287 (see pages 1279-1280, 1284-1286).

Edwards, D. R. and Daniel, T. C. (1994), A Comparison of Runoff Quality Effects of Organic and Inorganic Fertilizers Applied to Fescuegrass Plots. *Water resources bulletin* 30(1): 35-41. (see pages 35, 40).

Finlay-Moore, O., Hartel, P. G., and Cabrera, M.L. (2000), 17 Beta-Estradiol and Testosterone in Soil and Runoff from Grasslands Amended with Broiler Litter. *Journal of environmental quality* 29(5): 1604-1611. (see pages 1604, 1608-1610).

Garbarino, J. R., Wershaw, R. L., Bednar, A. J., Rutherford, D.W., and Beyer, R. S. (2003), Environmental Fate of Roxarsone in Poultry Litter. I. Degradation of Roxarsone During Composting. *Environmental Science and Technology* 37(8): 1509-1514. (see pages 1515, 1520).

Loehr, R. C. (1978), Hazardous Solid Waste from Agriculture. *Environmental Health Perspectives* 27: 261-273. (see pages 261-262, 265, 267-269).

Mawdsley, J. L., Bardgett, R. D., Merry, R. J., Pain, B. F., and Theodorou, M. K. (1995), Pathogens in Livestock Waste, Their Potential for Movement through Soil and Environmental Pollution. *Applied Soil Ecology : a Section of Agriculture, Ecosystems & Environment* 2(1): 1-15. (see pages 1-12).

Peterson, E. W., Davis, R. K., and Orndorff, H.A. (2000), 17 Beta-Estradiol as an Indicator of Animal Waste Contamination in Mantled Karst Aquifers. *Journal of environmental quality* 29(3): 826-834. (see pages 826-827, 829-833).

Schumacher, J. G. (2003), Survival, Transport, and Sources of Fecal Bacteria in Streams and Survival in Land-Applied Poultry Litter in the Upper Shoal Creek Basin, Southwestern Missouri, 2001-2002. U.S. Geological Survey 03-4243. 45 p. (see pages 1-2, 5, 32-38).

Sobsey, M. D., Khatib, L.A., Hill, V. R., Atocilja, E., and Pillai, S. (2006), Pathogens in Animal Wastes and the Impacts of Waste Management Practices on Their Survival, Transport, and Fate. In *Animal Agriculture and the Environment: National Center for Manure and Animal Waste Management White Papers* (ed. J. M. Rice, D. F. Caldwell, and F. J. Humenik), American Society of Agricultural and Biological Engineers, 609-666 p. (see pages 609-651).

Stolz, J. F., Perera, E., Kilonzo, B., Kail, B., Crable, B., Fisher, E., Ranganathan, M., Wormer, L., and Basu, P. (2007), Biotransformation of 3-Nitro-4-Hydroxybenzene Arsonic Acid (Roxarsone) and Release of Inorganic Arsenic by Clostridium Species. *Environ. Sci. Technol.* 41(3): 818-823. (see pages 818, 820-822).

Wicks, C., Kelley, C., and Peterson, E. (2004), Estrogen in a Karstic Aquifer. *Ground Water* 42(3): 384-389. (see pages 384, 388).

Oklahoma Water Resources Board, U.S. Army Corps of Engineers and Oklahoma State University. 1996. Diagnostic and Feasibility Study on Tenkiller Lake, Oklahoma. Sponsored by USEPA. Available at <http://www.owrb.ok.gov/studies/reports/reports.php>.

Green, W. R., and B. E. Haggard. 2001. Phosphorus and nitrogen concentrations and loads at Illinois River south of Siloam Springs, Arkansas, 1997–1999. U.S. Geological Survey Water Resources Investigation Report 01–4217.

Report: OCC TASK #78 - FY 1996 319(h) TASK #210 - Output #3 ESTIMATING WATERSHED LEVEL NONPOINT SOURCE LOADING FOR THE STATE OF OKLAHOMA (OSU).

Report: USGS Prepared in Cooperation with the Arkansas Soil and Water Conservation Commission – Phosphorus and Nitrogen Concentrations and Loads at Illinois River South of Siloam Springs, Arkansas, 1997 – 1999 OSRC 2-10.

Report: USGS National Water-Quality Assessment Program – Water-Quality Assessment of the Ozark Plateaus Study Unit, Arkansas, Kansas, Missouri, and Oklahoma – Nutrients, Bacteria, Organic Carbon, and Suspended Sediment in Surface Water, 1993-95 OSRC 2-11.

Report: USGS Preliminary Analysis of Phosphorus Concentrations and Fecal-Indicator Bacteria Counts at Selected Sites in the Illinois River Basin in Oklahoma, 1997-2001 OSRC 2-13.

Report: Basin-Wide Pollution Inventory for the Illinois River Comprehensive Basin Management Program – Final Report- Daniel Storm 8/96 OSRC 3-1.

Report: Recent Total Phosphorus Loads in the Illinois River in Arkansas compared to loads in 1980-1993 – by Martin Maner P.E. ADEQ 2/8/2000 OSRC 7-2B.

Report: An Investigation of the Sources and Transport of Nonpoint Source Nutrients in the Illinois River Basin in Oklahoma and Arkansas (Gade 1998) <http://storm.okstate.edu/>.

Report: Comprehensive Basin Management Plan for the Illinois River Basin in Oklahoma, OCC, May, 1999 available at http://www.okcc.state.ok.us/WQ/WQ_reports/REPORT085.pdf.

Coordinated Watershed Restoration and Protection Strategy for Oklahoma's Impaired Scenic Rivers (SB 972 Report), issued in 2003, 2004, 2005, and 2006. Full text of reports are located at <http://www.ose.state.ok.us/documents.html#972>

Phosphorus Concentrations, Loads and Yields in the Illinois River Basin, Arkansas and Oklahoma, 1997-2001, p. 1, (<http://pubs.usgs.gov/wri/wri034168/>).

Phosphorus Concentrations, Loads and Yields in the Illinois River Basin, Arkansas and Oklahoma, 2000-2004, (<http://pubs.usgs.gov/sir/2006/5175/>).

AQUARIUS Database produced from the Oklahoma Department of Environmental Quality.

BACTI Database produced from the Oklahoma Department of Environmental Quality.

AEMS Database produced at the Oklahoma Department of Agriculture, Food and Forestry.

The various materials described above are not an exhaustive list of the evidence -- *see* objection above to term "all" -- but they are representative of reports, studies, publications, research, and modeling, sampling data and monitoring data which support the State's contention that the Illinois River Watershed has resulted in injury, loss, damage, destruction, impairment or endangerment to the natural resources due to the release or disposal of phosphorus/phosphorus compounds, nitrogen/nitrogen compounds, arsenic/arsenic compounds, zinc/zinc compounds, copper/copper compounds, hormones or microbial pathogens from poultry waste for which George's is legally responsible, although not all of these materials specifically or necessarily reference Georges.

The State is continuing to characterize the effects of phosphorus/phosphorus compounds, nitrogen/nitrogen compounds, arsenic/arsenic compounds, zinc/zinc compounds, copper/copper compounds, hormones or microbial pathogens in the Illinois River Watershed that have been (and are being) caused by Defendants, including George's and the persons/entities for which George's is legally responsible. Accordingly, the State reserves its rights to supplement this interrogatory response. Expert opinion and reliance materials will be provided in accordance with the Court's Scheduling Order.

In any event, the State further states that the injuries to the Illinois River Watershed caused by phosphorus/phosphorus compounds, nitrogen/nitrogen compounds, arsenic/arsenic compounds, zinc/zinc compounds, copper/copper compounds, hormones or microbial pathogens are indivisible. George's and the persons/entities for which it is legally responsible is therefore jointly and severally liable to the State for its injuries. Accordingly, the State does not, and need not, rely for evidence of its case on the respective contributions of each individual poultry integrator defendant by quantifying such information. Should the State determine at some time in the future that it will rely on such quantification, it will supplement its responses with specific documentation.

INTERROGATORY NO. 10: Please identify each and every agency, individual or organization, wherever located, from whom You have obtained or attempted to obtain any information which You believe to be relevant to this lawsuit through the use of any subpoena, through any request under the Freedom of Information Act or through any other means -- including any type of non-privileged communications that You may have had with any such agency, individual or organization.

RESPONSE TO INTERROGATORY NO. 10: The State incorporates its general objections. The State objects to this Interrogatory to the extent it seeks information protected by the attorney client privilege or work product protection. Further, the State objects to this Interrogatory to the extent that it seeks information known or opinions held by expert consultants retained or specially employed by the State or by its counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B). Additionally, the State objects to this Interrogatory to the extent that it improperly seeks identification of "each and every" source of information; this is overly broad and unduly burdensome and it may be impossible to identify "each and every" such source and, in any event, the burden of trying to create such a list greatly outweighs any potential usefulness. The State also objects to this Interrogatory to the extent that it seeks information already in the possession of George's, and in such instances it is therefore overly burdensome and harassing. For example, George's has been provided with the subpoenas the State has served in this action, and thus the identity of entities from whom the State has obtained or attempted to obtain information relevant to this lawsuit through use of such subpoenas is already in the possession of George's. The State further objects to this interrogatory on the grounds that is unrestricted in time and as to source, and therefore is unduly burdensome and overbroad. The State will respond to this interrogatory for the time period since the filing of this lawsuit and for third-party governmental sources. Finally, the State objects to the extent that this interrogatory seeks information that is unreasonably cumulative and/or duplicative.

Subject to and without waiving these objections or its general objections, the State has obtained or has attempted to obtain information relevant to this lawsuit from third party governmental sources including, but not limited to:

1. United States Environmental Protection Agency

2. United States Department of Interior Fish and Wildlife Service
3. United States Geological Survey
4. United States Army Corps of Engineers
5. United States Department of Agriculture
6. Arkansas Department of Environmental Quality
7. Arkansas Natural Resource Commission
8. County governments in Oklahoma (e.g., Adair, Cherokee, Delaware, and Sequoyah)
9. County governments in Arkansas (e.g., Benton and Washington).

The State reserves the right to supplement this request if additional responsive information is identified. Expert opinions and reliance materials will be produced in accordance with the Court's Scheduling Order.

INTERROGATORY NO. 11: Please state the name, address, telephone number, and occupation of any person having, or likely to have, information relevant to any claims or allegations in Your Complaint or any defenses to Your claims. Also, please state the subject(s) of the information of which each such person has, or likely has, knowledge.

RESPONSE TO INTERROGATORY NO. 11: The State incorporates its general objections. The State objects to this interrogatory to the extent it seeks information protected by the attorney client privilege or work product protection. To the extent the State has undertaken any analysis of what information, if any, would or would likely be "relevant" to any defenses to the State's claims, such analysis would be opinion work product and the State objects to production of such work product. Further, the State objects to this interrogatory to the extent that it seeks information known or opinions held by expert consultants retained or specially employed

by the State or by its counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B).

The State objects to this interrogatory to the extent that the scope of what information is "relevant" in this litigation has been disputed between the two sides. The State cannot possibly know what information George's considers relevant or likely to be relevant to either the State's claims or any defenses to the State's claims. As such, this interrogatory is vague, indefinite, ambiguous, and not susceptible to easily discernible meaning. In responding to this interrogatory and setting forth its objections, the State does not concede that any particular documents or other information, referenced or otherwise, are necessarily "relevant" to the issues in this case or that any particular document or other information would necessarily be admissible in this case.

The State further objects to this interrogatory to the extent that it improperly seeks identification of "any" person having, or likely to have information "relevant" to "any" of the State's allegations or "any" defenses to the State's claims. Such a request (in addition to being vague, indefinite, ambiguous, and not susceptible to easily discernible meaning) is overly broad, oppressive and unduly burdensome to answer and it is impossible to identify all such information. It is, simply put, an improper interrogatory. The State further objects to the extent that this interrogatory seeks information that is unreasonably cumulative and/or duplicative. The State has responded to 172 Interrogatories, 420 Requests for Production of Documents, and has produced over one million pages of documents in this case that contain enormous volumes of information related to this case. It has also made a Rule 26(a) disclosure. Additionally, a tremendous amount of information related to this litigation is publicly available through sources that are equally accessible to George's as to the State. Other information that may be responsive to this request is in the possession of or otherwise available to George's (and some of this information

may not yet have even been made available to the State). Accordingly, the State objects to this interrogatory to the extent that it seeks the discovery of information that is in the possession of George's, is obtainable from another source that is more convenient, less burdensome or less expensive, or is as accessible to George's as it is to the State. As such, the burden of obtaining such sought-after information is substantially the same for George's as it is for the State.

Without waiving its objections and without conceding the "relevance" of any particular information or documents, the State responds that the identity of persons who have or may have information related to the State's claims and the subject matter of such information identified by the State to date are contained in the State's Rule 26(a) disclosure, the State's discovery responses, the State's preliminary fact witness list, the Rule 26(a) disclosures and discovery responses of George's and the other Defendants, materials considered by the States' experts that are being produced in the preliminary injunction proceeding in accordance with the Court's Scheduling Order, affidavits and other information attached as exhibits to pleadings and motions filed by the State, and depositions in this case and litigation filed by the City of Tulsa. The State will disclose its witness list and other expert reports and materials in accordance with the Court's Scheduling Order and will supplement this response as necessary.

INTERROGATORY NO. 12: Please identify and describe by category any document, data compilation, and tangible item (including but not limited to tape, e-mail, and recording) which supports, or is likely to support, any claims or allegations in Your Complaint or any defenses to Your claims. If any such document, data compilation, or tangible item is, or is likely to be, stored in a computer, please state what information is (or may be) stored and provide the name and/or location of the computer or network server where it is (or may be) stored and the name and/or location and format of the file in which it is (or may be) stored.

RESPONSE TO INTERROGATORY NO. 12: The State incorporates its general objections. The State objects to this interrogatory to the extent it seeks information protected by the attorney client privilege or work product protection. To the extent the State has undertaken any analysis of what particular document, data compilation or tangible item, if any, would or would likely "support" any defenses to the State's claims, such analysis would be opinion work product and the State objects to production of such work product. Further, the State objects to this interrogatory to the extent that it seeks information known or opinions held by expert consultants retained or specially employed by the State or by its counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B).

The State objects to this interrogatory to the extent that scope of what information "supports" the State's claims has been disputed by both sides in this litigation. The State cannot possibly know what information that George's considers supportive or likely to be supportive to either the State's claims or any defenses to the State's claims. As such, this interrogatory is vague, indefinite, ambiguous, and not susceptible to easily discernible meaning. In responding to this interrogatory and setting forth its objections, the State does not concede that any particular documents or other information, referenced or otherwise, are necessarily "relevant" to the issues in this case or that any particular document or other information would necessarily be admissible in this case.

The State further objects to this interrogatory to the extent that it improperly seeks identification by "category any document, data compilation, and tangible item" that "supports or is likely to support" "any" of the State's allegations or claims or "any" defenses to the State's claims. Such a request (in addition to being vague, indefinite, ambiguous, and not susceptible to easily discernible meaning) is overly broad, oppressive and unduly burdensome to answer and it

is impossible to identify all such information. It is, simply put, an improper interrogatory. Providing answers to such discovery requests would needlessly and improperly burden the State.

The State objects to this interrogatory to the extent that it asks that the information requested be described "by category" and does not state with the required degree of specificity and particularity what information is being sought. The State further objects to this interrogatory to the extent that it asks the State to speculate and identify information "likely to be stored in a computer" and to indicate information about what such information "may be," where such information "may be," and the name, location and format of the file in which it "may be" stored. As such, such discovery requests are vague, indefinite, ambiguous and not susceptible to easily discernible meaning.

The State further objects to the extent that this interrogatory seeks information that is unreasonably cumulative and/or duplicative. The State has responded to 172 Interrogatories, 420 Requests for Production of Documents, and has produced over one million pages of documents in this case that contain enormous volumes of information related to this case. It has also made a Rule 26(a) disclosure. Additionally, a tremendous amount of information related to this litigation is publicly available through sources that are equally accessible to George's as to the State. Information that may be responsive to this request is in the possession of or otherwise available to George's and not yet made available to the State. Accordingly, the State objects to this interrogatory to the extent that it seeks the discovery of information that is in the possession of George's, is obtainable from another source that is more convenient, less burdensome or less expensive, or is as accessible to George's as it is to the State. As such, the burden of obtaining such sought-after information is substantially the same for George's as it is for the State.

Without waiving its objections and without conceding the "relevance" of any particular document, data compilation, and tangible item, for information supporting the State's claims, the State refers the George's Defendants to information contained in the State's Rule 26(a) disclosure, the State's discovery responses, the State's preliminary fact witness list, the State's discovery requests to Defendants in this case, the Rule 26(a) disclosures and discovery responses of George's and the other Defendants in this case, materials considered by the States' experts that are being produced in the preliminary injunction proceeding in accordance with the Court's Scheduling Order, affidavits and other information attached as exhibits to pleadings and motions filed by the State, and depositions in this case and litigation filed by the City of Tulsa. The State will disclose its witness list and other expert reports and materials in accordance with the Court's Scheduling Order and will supplement this response as necessary.

INTERROGATORY NO. 13: Please state the name, telephone number, address, and occupation of any person whom You expect to call as a lay witness to testify in this action and please identify the person or persons in this group whom You may call to testify at trial. With respect to each such person, please state:

- (a) The subject matter on which each such person may testify; and,
- (b) A concise summary of the facts to which each such person is expected to testify.

RESPONSE TO INTERROGATORY NO. 13: The State objects to this Interrogatory in that it is premature. The State has not yet determined who it will call as lay witnesses in this action. The State will provide its witness list in accordance with the Court's Scheduling Order.

INTERROGATORY NO. 14: In Paragraphs 70 – 77 of Your Amended Complaint You generally assert Count 1 of your alleged claim against George's and allege that George's is

guilty of or otherwise legally liable to You for certain acts more fully set forth in those Paragraphs. With respect to those allegations and averments, please state:

(a) Separately, and describe fully, every fact and item of evidence upon which You rely to support this contention;

(b) The name, telephone number, address, and occupation of each person whom You claim has knowledge to support this contention; and,

(c) The identity of each document and other tangible item that supports this contention and the name, address, and telephone number of each person who has possession or custody of each such document or item.

RESPONSE TO INTERROGATORY NO. 14: The State incorporates its general objections. The State objects to this interrogatory to the extent it seeks information protected by the attorney client privilege or work product protection.

Additionally, the State objects to this interrogatory on the ground that it is improper, overbroad, unduly burdensome and premature. In essence, this interrogatory asks the State to set forth the *entirety* of its evidence supporting its claim this under Count. Discovery is still going on, and as such the State is still collecting and analyzing such evidence. Thus, the State is not in a position at this time to identify "every fact and item of evidence," and it is a premature contention interrogatory. The State objects to responding to this interrogatory as applied to the first paragraph of this Count on the ground that it is overbroad, unduly burdensome, harassing, and improper. Moreover, even if it were presently in a position to do so, to request that the State in fact do so would be unduly burdensome and harassing. The presentation of the entirety of a party's proof is a matter for trial and is inappropriate for an interrogatory mid-way through the discovery period. As such, in responding to this interrogatory, and subject to and without

waiving its objections, the State will be providing merely representative exemplar information. It should be understood by George's that this information is merely representative and does not necessarily include "every fact and item of evidence," etc. Additionally, given that there is overlap between subpart (a) (i.e., "every fact and item of evidence") and subparts (b) (i.e., "each person" with knowledge) and (c) (i.e., each document and other tangible item") of this interrogatory, responsive information provided in one subpart may be responsive to another subpart. As such, the State incorporates its response in each subpart into the other two subparts. Furthermore, the State objects to this interrogatory to the extent that it seeks information known or opinions held by expert consultants retained or specially employed by the State or by its counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B). Therefore, the State objects to any production of information prior to the applicable dates set by the Court's Scheduling Order. The State further objects because this interrogatory is unduly burdensome and is a contention interrogatory that asks the State essentially to state the factual and legal basis for an entire count of its lawsuit. The State also objects to this interrogatory to the extent that it improperly seeks identification of "every fact and item" of evidence. Thus it is overly broad and unduly burdensome. Subject to and without waiver of any of its objections, the State responds as follows:

(a) The State has reviewed, without limitation, published literature regarding the constituents typically found in poultry litter and has sampled waste from George's' growing facilities. This analysis demonstrates that the hazardous substances referenced in paragraph 71 of the First Amended Complaint ("FAC") are found in poultry waste generated at Georges' growing facilities. The State has also, without limitation, gathered evidence demonstrating the mechanism through which these poultry waste hazardous substances have been released into the

environment. A review of the published literature, industry practices, George's' discovery responses, ODAFF records, and deposition testimony by George's' growers and agents demonstrates that these poultry waste hazardous substances are land applied on pasture and hay land within the IRW. This action constitutes a release of these hazardous substances into the environment. Samples and analysis of soils on which poultry waste has been disposed (land applied) also demonstrates the release of these hazardous substances. Additionally, analysis of this poultry waste shows that its chemical and biological parameters reflect a unique poultry waste "signature." Environmental media within the IRW that contain this signature also demonstrate the release and migration of these substances in the IRW. The State has identified this poultry waste signature in edge of field runoff, springs, and groundwater beneath and down gradient of land application areas, and in the surface water and sediments of streams and rivers down gradient of land application areas which collect and transport this field runoff and leaching rainwater into springs and groundwater. The poultry waste signature is also found in sediment and the surface water of Lake Tenkiller. The Affidavit of Dr. Olsen attached to the Preliminary Injunction Motion ("PIM") explains this evidence.

Because a "facility" is defined to include all areas where hazardous substances have "otherwise come to be located" the same evidence set forth above supports the facility allegations set forth in paragraph 72. Additionally the ODAFF records along with materials relied upon by Drs. Fisher and Engel for the opinions expressed in the affidavits attached to the PIM will identify the owner/ operator status of growing facilities used by George's in the IRW.

Additional evidence of hazardous substances releases and the facility alleged in paragraphs 71 and 72 of the FAC is supported by the opinions of Dr. Fisher as set out in his affidavit attached to the PIM. Dr. Fisher states that the geological and soil structures of the IRW

are such that substances that are applied to lands within the IRW will runoff during rainfall events and leach into the groundwater. This groundwater and surface water leaching and runoff from land applied fields is collected by streams and rivers throughout the IRW and eventually ends up in the sediments and surface waters of Lake Tenkiller.

The sediment age dating analysis referenced by Dr. Fisher in his Affidavit, along with the concentration of phosphorus in Lake Tenkiller sediments over time coincides with the growth of poultry production in the IRW. This correlation also demonstrates that substances contained in land applied poultry wastes are being released in the IRW and that such areas where hazardous substances have come to be located are part of the facility as alleged in paragraph 72.

With respect to Paragraph 73 of the FAC, because George's Defendants are corporations, they are persons within the statutory provisions alleged therein.

With respect to paragraphs 74 and 75 of the FAC the Georges' business structure, including the arrangements George's has with its company owned and contract growing facilities, demonstrate that it is an owner/operator of the waste and an arranger of the disposal of that poultry waste that contains hazardous substances. For example, the affidavit of Dr. Robert Taylor attached to the PIM supports George's' status as an owner/operator and arranger as do their contracts with their growing facilities and their knowledge that the birds that they own will naturally create the waste that will require management and disposal resulting in land application. George's also knows that the method of disposal has been and continues to be by land application at or near each of George's' growing facilities. See also the State's response above concerning paragraphs 71 and 72 of the FAC.

With respect to paragraph 76 of the FAC, the costs include the cost of the activities to perform the investigations described above as well as the analysis of the scope and extent of the

injury to natural resources and costs to evaluate and develop appropriate removal/remedial actions. Costs would include, but not be limited to, monitoring, assessment and evaluation of the release or threat of release of hazardous substances from George's activities in the IRW. The State has also incurred the State's share of cost sharing measures to implement management practices to limit phosphorus pollution and migration within the IRW. Further costs, include, but are not limited to costs incurred evaluating, assessing and/or implementing any removal or remedial action to abate, prevent, minimize, stabilize, mitigate or eliminate the release or threat of release. With respect to paragraph 77 of the FAC that paragraph is a legal conclusion which does not require additional response. Additionally, the State will be providing George's with additional information of the relief sought herein pursuant to the Court's Scheduling Order (DKT #1376).

(b) The State objects to this subset of the interrogatory to the extent that it improperly seeks identification of "each person" who has knowledge to support this contention. It may be impossible to identify "each person" who has knowledge of this contention. Thus it is overly broad and unduly burdensome. Subject to and without waiver of any objection, the State responds that a large number of persons have knowledge of facts that support the State's allegations including, but not limited to, the following:

1. The following experts identified in the States Motion for Preliminary Injunction:
 - A. Dr. Valerie J. Harwood,
 - B. Dr. Christopher Teaf,
 - C. Dr. Robert Lawrence
 - D. Dr. Robert Taylor
 - E. Dr. Bernard Engel
 - F. Dr. Roger Olsen
 - G. Dr. J. Berton Fisher
 - H. Dr. Lowell Caneday
 - I. Dr. Gordon Johnson

: 2. Deposition Testimony of Benny McClure and Kenneth Glenn.

3. The persons identified in the State's Rule 26(a) initial disclosures and the State's Preliminary Witness List, specifically including, but not limited to, the following:

1. Shanon Phillips
2. Dan Butler
3. Dan Parrish
4. Monty Porter
5. Derek Smithee
6. Dan Storm
7. Mike Smolen
8. Bob Blaz
9. William Andrews
10. Brian Haggard
11. Marc Nelson
12. Andrew Sharpley
13. Martin Maner
14. Randy Young
15. Gary George
16. Gene George
17. Monty K. Henderson
18. Other George's employees and contract growers
19. Sherry Herron
20. John Ward
21. Morrill Harriman

(c) The State objects to this subset of the interrogatory to the extent that it improperly seeks identification of "each document and tangible item" that supports this contention. It may be impossible to identify "each document and tangible item" which supports this contention. Thus it is overly broad and unduly burdensome. Subject to and without waiver of any objection, the State responds that there is a large volume of documents and other information that contains information supporting the State's' contentions including, but not limited to, the following:

1. Each of the Expert Affidavits attached to the PIM and the documents upon which each respective expert relied for their respective opinions. (See Docket # 1373). Documents will be produced pursuant to the Court's Scheduling Order regarding the preliminary Injunction.

2. The State's Scientific Production. See Exhibit 1, index attached hereto.
3. The following list of documents is representative of documents responsive to this request:

Managing Phosphorus from Animal Manure, OSU PSS-2249 Fact Sheet found at <http://pods.dasnr.okstate.edu/docushare/dsweb/Get/Document-2641/F-2249web.pdf>

Coordinated Watershed Restoration and Protection Strategy for Oklahoma's Impaired Scenic Rivers (SB 972 Report), issued in 2003, 2004, 2005, and 2006. Full text of reports are located at <http://www.ose.state.ok.us/documents.html#972->

An Investigation of the Sources and Transport of Nonpoint Source Nutrients in the Illinois River Basin in Oklahoma and Arkansas (Gade 1998) located at <http://storm.okstate.edu/>.

Report: Basin-Wide Pollution Inventory for the Illinois River Comprehensive Basin Management Program – Final Report- Daniel Storm 8/96 OSRC 3-1.

Watershed Restoration Action Strategy (WRAS) for the Illinois River/Barron Fork Watersheds, July 1, 1999, https://www.deq.state.ok.us/WODnew/pubs/illinois_river_wras_final.pdf

Grower files provided at the Oklahoma Department of Agriculture Food and Forestry document production and Grower files provided on June 15, 2006, Bates Nos. OKDA0000001-OKDA0010561 and OKDA0013013-OKDA0021846.

AEMS Databases provided on July 2, 2007, from the Oklahoma Department of Agriculture, Food and Forestry.

Al-Qinna, M. I. (2003), Measuring and Modeling Soil Water and Solute Transport with Emphasis on Physical Mechanisms in Karst Topography. Ph.D., United States -- Arkansas University of Arkansas 272 p. (see pages 1, 5-8, 39-42, 61-63, 107, 198-200).

Arai, Y., Lanzirrotti, A., Sutton, S., Davis, J. A., and Sparks, D. L. (2003), Arsenic Speciation and Reactivity in Poultry Litter. *Environmental Science and Technology* 37(18): 4083-90. (see pages 4083, 4089).

Avery, L. M., Killham, K., and Jones, D. L. (2005), Survival of E. Coli O157:H7 in Organic Wastes Destined for Land Application. *Journal of Applied Microbiology* 98(4): 814-22. (see pages 814-815, 820-821).

Bellows, B. C. (2005), Arsenic in Poultry Litter: Organic Regulations. A Publication of ATTRA, the National Sustainable Agriculture Information Service 12 p. (see pages 1-8).

Bitton, G. and Gerba, C. P. (1994), *Groundwater Pollution Microbiology*. Krieger Pub. Co. 377 p. (see pages vii, 50-51, 199-203).

Coyne, M. S. and Blevins, R. L. (1995), Fecal Bacteria in Surface Runoff from Poultry-Manured Fields. *Animal Waste and the Land-Water Interface*. Boca Raton, Lewis Publishers: 77-87. (see pages 77, 80, 82, 85-86).

Crane, S R, Westerman, P W, and Overcash, M R. (1980) Dieoff of Fecal Indicator Organisms Following Land Application of Poultry Manure. *Journal of Environmental Quality* 9: 531-537. (see pages 531, 537).

Davis, J. V. and Bell, R.W. (1998), Water-Quality Assessment of the Ozark Plateaus Study Unit, Arkansas, Kansas, Missouri, and Oklahoma; Nutrients, Bacteria, Organic Carbon, and Suspended Sediment in Surface Water, 1993-95. United States Geological Survey 98-4164. 63 p. (see pages 1, 5, 7, 10, 19, 37-38).

Davis, R. K., Brahana, J. V., and Johnston, J. S. (2000), Ground Water in Northwest Arkansas: Minimizing Nutrient Contamination from Non-Point Sources in Karst Terrain. Arkansas Water Resources Center MSC- 288. 69 p. (see pages 1-3, 8, 19-21, 43-44).

Davis, R. K., Hamilton, S., and Van Brahana, J. (2005), Escherichia Coli Survival in Mantled Karst Springs and Streams, Northwest Arkansas Ozarks, U.S.A. *Journal of the American Water Resources Association* 41(6): 1279-1287 (see pages 1279-1280, 1284-1286).

Edwards, D. R. and Daniel, T. C. (1994), A Comparison of Runoff Quality Effects of Organic and Inorganic Fertilizers Applied to Fescuegrass Plots. *Water Resources Bulletin* 30(1): 35-41. (see pages 35, 40).

Finlay-Moore, O., Hartel, P. G., and Cabrera, M.L. (2000), 17 Beta-Estradiol and Testosterone in Soil and Runoff from Grasslands Amended with Broiler Litter. *Journal of Environmental Quality* 29(5): 1604-1611. (see pages 1604, 1608-1610).

Garbarino, J. R., Wershaw, R. L., Bednar, A. J., Rutherford, D.W., and Beyer, R. S. (2003), Environmental Fate of Roxarsone in Poultry Litter. I. Degradation of Roxarsone During Composting. *Environmental Science and Technology* 37(8): 1509-1514. (see pages 1515, 1520).

Loehr, R. C. (1978), Hazardous Solid Waste from Agriculture. *Environmental Health Perspectives* 27: 261-273. (see pages 261-262, 265, 267-269).

Mawdsley, J. L., Bardgett, R. D., Merry, R. J., Pain, B. F., and Theodorou, M. K. (1995), Pathogens in Livestock Waste, Their Potential for Movement through Soil and Environmental Pollution. *Applied Soil Ecology: a Section of Agriculture, Ecosystems & Environment* 2(1): 1-15. (see pages 1-12).

Stolz, J. F., Perera, E., Kilonzo, B., Kail, B., Crable, B., Fisher, E., Ranganathan, M., Wormer, L., and Basu, P. (2007), Biotransformation of 3-Nitro-4-Hydroxybenzene Arsonic Acid (Roxarsone) and Release of Inorganic Arsenic by Clostridium Species. *Environ. Sci. Technol.* 41(3): 818-823. (see pages 818, 820-822).

Oklahoma Water Resources Board, U.S. Army Corps of Engineers and Oklahoma State University. 1996. Diagnostic and Feasibility Study on Tenkiller Lake, Oklahoma. Sponsored by USEPA. Available at <http://www.owrb.ok.gov/studies/reports/reports.php>.

Green, W. R., and B. E. Haggard. 2001. Phosphorus and nitrogen concentrations and loads at Illinois River south of Siloam Springs, Arkansas, 1997–1999. U.S. Geological Survey Water Resources Investigation Report 01–4217.

Report: OCC TASK #78 - FY 1996 319(h) TASK #210 - Output #3 ESTIMATING WATERSHED LEVEL NONPOINT SOURCE LOADING FOR THE STATE OF OKLAHOMA (OSU).

Report: USGS Prepared in Cooperation with the Arkansas Soil and Water Conservation Commission – Phosphorus and Nitrogen Concentrations and Loads at Illinois River South of Siloam Springs, Arkansas, 1997 – 1999 OSRC 2-10.

Report: USGS National Water-Quality Assessment Program – Water-Quality Assessment of the Ozark Plateaus Study Unit, Arkansas, Kansas, Missouri, and Oklahoma – Nutrients, Bacteria, Organic Carbon, and Suspended Sediment in Surface Water, 1993-95 OSRC 2-11.

Report: USGS Preliminary Analysis of Phosphorus Concentrations and Fecal-Indicator Bacteria Counts at Selected Sites in the Illinois River Basin in Oklahoma, 1997-2001 OSRC 2-13.

Report: Basin-Wide Pollution Inventory for the Illinois River Comprehensive Basin Management Program – Final Report- Daniel Storm 8/96 OSRC 3-1.

Report: Recent Total Phosphorus Loads in the Illinois River in Arkansas compared to loads in 1980-1993 – by Martin Maner P.E. ADEQ 2/8/2000 OSRC 7-2B.

Report: An Investigation of the Sources and Transport of Nonpoint Source Nutrients in the Illinois River Basin in Oklahoma and Arkansas (Gade 1998) <http://storm.okstate.edu/>.

Phosphorus Concentrations, Loads and Yields in the Illinois River Basin, Arkansas and Oklahoma, 2000-2004, (<http://pubs.usgs.gov/sir/2006/5175/>).

Aquarius Database produced from the Oklahoma Department of Environmental Quality on July 2, 2007, which contains sampling data from the IRW by county.

Report: USGS Prepared in Cooperation with the Arkansas Soil and Water Conservation Commission – Phosphorus and Nitrogen Concentrations and Loads at Illinois River South of Siloam Springs, Arkansas, 1997 – 1999 OSRC 2-10.

Report: USGS National Water-Quality Assessment Program – Water-Quality Assessment of the Ozark Plateaus Study Unit, Arkansas, Kansas, Missouri, and Oklahoma – Nutrients, Bacteria, Organic Carbon, and Suspended Sediment in Surface Water, 1993-95 OSRC 2-11.

Oklahoma's Beneficial Use Monitoring Program – Final Report 1998 OSRC Log 2-15

Oklahoma's Beneficial Use Monitoring Program – 1999 Final Report OSRC Log 2-16

Oklahoma's Beneficial Use Monitoring Program raw data given at the OWRB document production and located in the sliding filing cabinets.

Nelson, M, Cash, W, Trost, K, Purtle, J. (2005) Illinois River 2004 Pollutant Loads at Arkansas Highway 59 Bridge. Arkansas Water Resources Center MSC-325.

Nelson, M, Cash, W, Trost, K, Purtle, J. (2006) Illinois River 2005 Pollutant Loads at Arkansas Highway 59 Bridge Arkansas Water Resources Center MSC-332.

Oklahoma Department of Environmental Quality (1998 -2004), Water Quality Assessment Integrated Reports. <http://www.deq.state.ok.us>

Public Water Supply reports located on the SDWIS (Public Water Supply Reports) database are too numerous to list herein, however, the State refers you to the indexes given to you at the Oklahoma Department of Environmental Quality which list all the public water supplies in the Illinois River watershed. Furthermore, if you simply choose one of the four counties in the watershed on the SDWIDS search page you can pull up all the public water supplies and see all their reporting and violation data.

USGS Surface Water Data for the Illinois River Basin, Water Quantity and Quality parameters located at: http://ar.water.usgs.gov/sun/data-bin/get_data?control=multiple&group_nm=illinois

OWRB Water Quality Data Viewer, all stations in the Illinois River Watershed, including Lake Tenkiller, located at: <http://www.owrb.ok.gov/maps/server/wims.php>

Oklahoma Water Resources Board, U.S. Army Corps of Engineers and Oklahoma State University. 1996, Diagnostic and Feasibility Study on Tenkiller Lake, Oklahoma. Sponsored by USEPA. Available at <http://www.owrb.ok.gov/studies/reports/reports.php>.

Water Quality Data contained in the OWRB database.

Water Quality Data contained in the OCC database.

Documents produced by Georges through Discovery.

4. Documentation pertaining to expert costs will be disclosed pursuant to the Court's Scheduling Order.

Additional information responsive to the request will be disclosed in accordance with the Court's Scheduling Order. The State will supplement this interrogatory pursuant to the Court's Scheduling Order as necessary and if additional information is identified.

INTERROGATORY NO. 15: In Paragraphs 78 – 89 of Your Amended Complaint You generally assert Count 2 of your alleged claim against George's and allege that George's is guilty of or otherwise legally liable to You for certain acts more fully set forth in those Paragraphs. With respect to those allegations and averments, please state:

- (a) Separately, and describe fully, every fact and item of evidence upon which You rely to support this contention;
- (b) The name, telephone number, address, and occupation of each person whom You claim has knowledge to support this contention; and,
- (c) The identity of each document and other tangible item that supports this contention and the name, address, and telephone number of each person who has possession or custody of each such document or item.

RESPONSE TO INTERROGATORY NO. 15: The State incorporates its general objections. The State objects to this interrogatory to the extent it seeks information protected by the attorney client privilege or work product protection.

Additionally, the State objects to this interrogatory on the ground that it is improper, overbroad, unduly burdensome and premature. In essence, this interrogatory asks the State to set forth the *entirety* of its evidence supporting its claim under this Count. Discovery is still ongoing, and as such the State is still collecting and analyzing such evidence. Thus, the State is not in a position at this time to identify "every fact and item of evidence," and it is a premature contention interrogatory. The State objects to responding to this interrogatory as applied to the

first paragraph of this Count on the ground that it is overbroad, unduly burdensome, harassing, and improper. Moreover, even if it were presently in a position to do so, to request that the State in fact do so would be unduly burdensome and harassing. The presentation of the entirety of a party's proof is a matter for trial and is inappropriate for an interrogatory mid-way through the discovery period. As such, in responding to this interrogatory, and subject to and without waiving its objections, the State will be providing merely representative exemplar information. It should be understood by George's that this information is merely representative and does not necessarily include "every fact and item of evidence," etc. Additionally, given that there is overlap between subpart (a) (i.e., "every fact and item of evidence") and subparts (b) (i.e., "each person" with knowledge) and (c) (i.e., each document and other tangible item") of this interrogatory, responsive information provided in one subpart may be responsive to another subpart. As such, the State incorporates its response in each subpart into the other two subparts. Furthermore, the State objects to this interrogatory to the extent that it seeks information known or opinions held by expert consultants retained or specially employed by the State or by its counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B). Therefore the State objects to any production of information prior to the applicable dates set by the Court's Scheduling Order. The State objects because this interrogatory is unduly burdensome and is a contention interrogatory that asks the State essentially to state the factual and legal basis for an entire count of its lawsuit. The State objects to this interrogatory to the extent that it improperly seeks identification of "every fact and item" of evidence. Thus it is overly broad and unduly burdensome.

Subject to and without waiver of any of its objections, the State responds as follows:

(a) Paragraph 79 of the FAC is a legal conclusion based upon CERCLA and Oklahoma law and requires no additional response.

With respect to paragraphs 80 and 81 of the FAC the State hereby incorporates its response to Interrogatory No. 14(a) herein, specifically its response to paragraphs 71 and 72 of the FAC, as if fully stated herein.

With respect to paragraph 82 of the FAC the State hereby incorporates its response to Interrogatory No 14(a) herein, specifically its response to paragraph 73 of the FAC, as if fully stated herein.

With respect to paragraphs 83 and 84 of the FAC the State hereby incorporates its response to Interrogatory No 14(a) herein, specifically its response to paragraphs 74 and 75, as if fully stated herein.

With respect to paragraphs 85, 86, and 87 the State's expert reports, to be submitted pursuant to the Court's Scheduling Order, will further demonstrate its injury and damages to land, surface water, groundwater, sediments, and biota in the Oklahoma portion of the IRW. Specifically, without limitation, the State will show that:

1. Existing data and new sampling and analysis demonstrate that the quality of surface waters within the Oklahoma portion of the IRW have been degraded or injured due to hazardous substances in poultry waste.

2. Existing data and new sampling and analysis demonstrate that the quality of groundwater within the Oklahoma portion of the IRW has been degraded or injured due to hazardous substances contained in poultry waste.

3. Existing data and new sampling and analysis demonstrate that the quality of sediments within the Oklahoma portion of the IRW has been degraded or injured due to hazardous substances contained in poultry waste.

4. Existing data and new sampling and analysis demonstrate that the biota within the Oklahoma portion of the IRW have been degraded or injured due to phosphorus from poultry waste. The injuries to biota include changes in community structure and decreased fish habitat.

5. Existing data and new sampling and analysis demonstrate that drinking water supplies within the Oklahoma portion of the IRW have been degraded or injured due to phosphorus from poultry waste that has resulted in increased disinfection by-products in the State's drinking water.

6. Existing data and new sampling and analysis demonstrate that the land within the Oklahoma portion of the IRW has been injured due to increased phosphorus concentrations from poultry waste.

With respect to paragraph 86 of the FAC the evidence concerning the continuing nature of these natural resource injuries will be based on evidence provided at the time expert reports are delivered pursuant to the Court's Scheduling Order in this case.

With respect to paragraph 87 of the FAC the State incorporates its response to paragraphs 85 and 86 of the FAC (set forth above) as if fully stated herein.

With respect to paragraph 88 of the FAC the State has employed experts to assess and evaluate the above described injuries and loss of natural resources. Their assessment reports and the costs thereof are the evidence of the reasonable and necessary cost. These costs will be provided in accordance with the Court's Scheduling Order.

With respect to paragraph 89 this is a legal conclusion for which no further response is required. Additionally, the State will be providing George's with additional information of the relief sought herein pursuant to the Court's Scheduling Order (DKT #1376).

(b) The State objects to this subset of the interrogatory to the extent that it improperly seeks identification of "each person" who has knowledge to support this contention. It may be impossible to identify "each person" who has knowledge of this contention. Thus it is overly broad and unduly burdensome. It also seeks information prior to the dates required by the Court's Scheduling Order. Subject to and without waiver of any objection, the State incorporates its response to Interrogatory No. 14(b) as if fully stated herein. The State will supplement its damages information pursuant to the Court's Scheduling Order (DKT #1376).

(c) The State objects to this subset of the interrogatory to the extent that it improperly seeks identification of "each document and tangible item" that supports this contention. It may be impossible to identify "each document and tangible item" which supports this contention. Thus, it is overly broad and unduly burdensome and seeks information prior to the date required by the Court's Scheduling Order. Subject to and without waiver of any objection, the State incorporates its response to Interrogatory No. 14 (c) as if fully stated herein.

Additional information responsive to the request will be disclosed in accordance with the Court's Scheduling Order. The State will supplement this interrogatory pursuant to the Court's Scheduling Order as necessary and if additional information is identified.

INTERROGATORY NO. 16: In Paragraphs 90 – 97 of Your Amended Complaint You generally assert Count 3 of your alleged claim against George's and allege that George's is guilty of or otherwise legally liable to You for certain acts more fully set forth in those Paragraphs. With respect to those allegations and averments, please state:

- (a) Separately, and describe fully, every fact and item of evidence upon which You rely to support this contention;
- (b) The name, telephone number, address, and occupation of each person whom You claim has knowledge to support this contention; and,
- (c) The identity of each document and other tangible item that supports this contention and the name, address, and telephone number of each person who has possession or custody of each such document or item.

RESPONSE TO INTERROGATORY NO. 16: The State incorporates its general objections. The State objects to this interrogatory to the extent it seeks information protected by the attorney client privilege or work product protection.

Additionally, the State objects to this interrogatory on the ground that it is improper, overbroad, unduly burdensome and premature. In essence, this interrogatory asks the State to set forth the *entirety* of its evidence supporting its claim under this Count. Discovery is still going on, and as such the State is still collecting and analyzing such evidence. Thus, the State is not in a position at this time to identify "every fact and item of evidence," and it is a premature contention interrogatory. The State objects to responding to this interrogatory as applied to the first paragraph of this Count on the ground that it is overbroad, unduly burdensome, harassing, and improper. Moreover, even if it were presently in a position to do so, to request that the State in fact do so would be unduly burdensome and harassing. The presentation of the entirety of a party's proof is a matter for trial and is inappropriate for an interrogatory mid-way through the discovery period. As such, in responding to this interrogatory, and subject to and without waiving its objections, the State will be providing merely representative exemplar information. It should be understood by George's that this information is merely representative and does not

necessarily include "every fact and item of evidence," etc. Additionally, given that there is overlap between subpart (a) (i.e., "every fact and item of evidence") and subparts (b) (i.e., "each person" with knowledge) and (c) (i.e., each document and other tangible item") of this interrogatory, responsive information provided in one subpart may be responsive to another subpart. As such, the State incorporates its response in each subpart into the other two subparts. Furthermore, the State objects to this interrogatory to the extent that it seeks information known or opinions held by expert consultants retained or specially employed by the State or by its counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B). Therefore the State objects to any production of information prior to the applicable dates set by the Court's Scheduling Order. The State objects because this interrogatory is unduly burdensome and is a contention interrogatory that asks the State essentially to state the factual and legal basis for an entire count of its lawsuit. The State objects to this interrogatory to the extent that it improperly seeks identification of "every fact and item" of evidence. Thus it is overly broad and unduly burdensome. Subject to and without waiver of any of its objections, the State responds as follows:

(a) With respect to Paragraph 91 of FAC, see Exhibit 5 of the FAC.

With respect to paragraph 92 of the FAC the poultry waste is not used for the production or growing of poultry and is therefore a waste or discarded material under the SWDA. (See Dr. Robert Taylor affidavit attached to the PIM). Additionally, based upon the opinions and information supporting the opinions of Dr. Gordon Johnson (See affidavit attached to the PIM and reliance materials), application of poultry waste in the IRW is not supportable as a good agronomic practice because poultry waste contains more phosphorus than is beneficial for efficient pasture and hay production. Based on soil test reports and ODAFF records, poultry

waste has been applied in excess of plant agronomic need in the IRW and is not properly used as a soil amendment.

With respect to paragraphs 93 and 94 of the FAC the State hereby incorporates its response to Interrogatory No. 14(a) herein, with regard to hazardous substances, which are also pollutants, specifically its response to paragraphs 73, 74 and 75 of the FAC, as if fully stated herein.

With respect to paragraph 95, the affidavits of Drs. Lawrence, Harwood and Teaf attached to the PIM (and the underlying documents each of them relied on to support those opinions) demonstrate an imminent and substantial endangerment. Additionally, the affidavits of Drs. Engel, Fisher and Olsen, attached to the PIM (and the underlying information and documents which they relied on for the opinions expressed therein) demonstrate that George's contributed to and, along with the other Defendants, caused the conditions and circumstances in the IRW that create an imminent and substantial endangerment. The State also incorporates by reference its Response to Interrogatory 14(a), with regard to hazardous substances, which are also pollutants.

With respect to paragraphs 96 and 97, these are legal conclusions which require no further response. Additionally the State will be providing George's with additional information of the relief sought herein pursuant to the Court's Scheduling Order (DKT #1376).

(b) The State objects to this subset of the interrogatory to the extent that it improperly seeks identification of "each person" who has knowledge to support this contention. It may be impossible to identify "each person" who has knowledge of this contention. Thus it is overly broad and unduly burdensome. It also seeks information prior to the dates required by the Court's Scheduling Order. Subject to and without waiver of any objection, the State incorporates its

response to Interrogatory No. 14(b), with regard to hazardous substances, which are also pollutants.

(c) The State objects to this subset of the interrogatory to the extent that it improperly seeks identification of "each document and tangible item" that supports this contention. It may be impossible to identify "each document and tangible item" which supports this contention. Thus it is overly broad and unduly burdensome. It also seeks information prior to the dates required by the Court's Scheduling Order. Subject to and without waiver of any objection, the State incorporates its response to Interrogatory No. 14(c) herein, with regard to hazardous substances, which are also pollutants, as if fully stated herein. In addition the State incorporates the affidavits and documents relied on by all PIM experts and the following representative documents:

Avery, L. M., Killham, K., and Jones, D. L. (2005), Survival of E. Coli O157:H7 in Organic Wastes Destined for Land Application. *Journal of Applied Microbiology* 98(4): 814-22. (see pages 814-815, 820-821).

Coyne, M. S. and Blevins, R. L. (1995), Fecal Bacteria in Surface Runoff from Poultry-Manured Fields. *Animal Waste and the Land-Water Interface*. Boca Raton, Lewis Publishers: 77-87. (see pages 77, 80, 82, 85-86).

Crane, S R, Westerman, P W, and Overcash, M R. (1980) Dieoff of Fecal Indicator Organisms Following Land Application of Poultry Manure. *Journal of Environmental Quality* 9: 531-537. (see pages 531, 537).

Davis, R. K., Hamilton, S., and Van Brahana, J. (2005), Escherichia Coli Survival in Mantled Karst Springs and Streams, Northwest Arkansas Ozarks, U.S.A. *Journal of the American Water Resources Association* 41(6): 1279-1287 (see pages 1279-1280, 1284-1286).

Mawdsley, J. L., Bardgett, R. D., Merry, R. J., Pain, B. F., and Theodorou, M. K. (1995), Pathogens in Livestock Waste, Their Potential for Movement through Soil and Environmental Pollution. *Applied Soil Ecology: a Section of Agriculture, Ecosystems & Environment* 2(1): 1-15. (see pages 1-12).

Schumacher, J. G. (2003), Survival, Transport, and Sources of Fecal Bacteria in Streams and Survival in Land-Applied Poultry Litter in the Upper Shoal Creek Basin, Southwestern Missouri, 2001-2002. U.S. Geological Survey 03-4243. 45 p. (see pages 1-2, 5, 32-38).

Sobsey, M. D., Khatib, L.A., Hill, V. R., Atocilja, E., and Pillai, S. (2006), Pathogens in Animal Wastes and the Impacts of Waste Management Practices on Their Survival, Transport, and Fate. In *Animal Agriculture and the Environment: National Center for Manure and Animal Waste Management White Papers* (ed. J. M. Rice, D. F. Caldwell, and F. J. Humenik), American Society of Agricultural and Biological Engineers, 609-666 p. (see pages 609-651).

BACTI Database produced from the Oklahoma Department of Environmental Quality on July 2, 2007, which contains bacteria data from the IRW by county.

Avery, L. M., Killham, K., and Jones, D. L. (2005), Survival of E. Coli O157:H7 in Organic Wastes Destined for Land Application. *Journal of Applied Microbiology* 98(4): 814-22. (see pages 814-815, 820-821).

Crane, S.R., Westerman, P.W., and Overcash, M. R. (1980), Dieoff of Fecal Indicator Organisms Following Land Application of Poultry Manure. *Journal of Environmental Quality*, 9: 531-537. (see pages 531, 537).

Additional information responsive to the request will be disclosed in accordance with the Court's Scheduling Order. The State will supplement this interrogatory pursuant to the Court's Scheduling Order as necessary and if additional information is identified.

INTERROGATORY NO. 17: In Paragraphs 98 – 108 of Your Amended Complaint You generally assert Count 4 of your alleged claim against George's and allege that George's is guilty of or otherwise legally liable to You for certain acts more fully set forth in those Paragraphs. With respect to those allegations and averments, please state:

- (a) Separately, and describe fully, every fact and item of evidence upon which You rely to support this contention;
- (b) The name, telephone number, address, and occupation of each person whom You claim has knowledge to support this contention; and,
- (c) The identity of each document and other tangible item that supports this contention and the name, address, and telephone number of each person who has possession or custody of each such document or item.

RESPONSE TO INTERROGATORY NO. 17: The State incorporates its general objections. The State objects to this interrogatory to the extent it seeks information protected by the attorney client privilege or work product protection.

Additionally, the State objects to this interrogatory on the ground that it is improper, overbroad, unduly burdensome and premature. In essence, this interrogatory asks the State to set forth the *entirety* of its evidence supporting its claim under this Count. Discovery is still going on, and as such the State is still collecting and analyzing such evidence. Thus, the State is not in a position at this time to identify "every fact and item of evidence," and it is a premature contention interrogatory. The State objects to responding to this interrogatory as applied to the first paragraph of this Count on the ground that it is overbroad, unduly burdensome, harassing, and improper. Moreover, even if it were presently in a position to do so, to request that the State in fact do so would be unduly burdensome and harassing. The presentation of the entirety of a party's proof is a matter for trial and is inappropriate for an interrogatory mid-way through the discovery period. As such, in responding to this interrogatory, and subject to and without waiving its objections, the State will be providing merely representative exemplar information. It should be understood by George's that this information is merely representative and does not necessarily include "every fact and item of evidence," etc. Additionally, given that there is overlap between subpart (a) (i.e., "every fact and item of evidence") and subparts (b) (i.e., "each person" with knowledge) and (c) (i.e., each document and other tangible item") of this interrogatory, responsive information provided in one subpart may be responsive to another subpart. As such, the State incorporates its response in each subpart into the other two subparts. Furthermore, the State objects to this interrogatory to the extent that it seeks information known or opinions held by expert consultants retained or specially employed by the State or by its

counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B). Therefore the State objects to any production of information prior to the applicable dates set by the Court's Scheduling Order. The State objects because this interrogatory is unduly burdensome and is a contention interrogatory that asks the State essentially to state the factual and legal basis for an entire count of its lawsuit. The State objects to this interrogatory to the extent that it improperly seeks identification of "every fact and item" of evidence. Thus, it is overly broad and unduly burdensome. Subject to and without wavier of any of its objections, the State responds as follows:

(a) With respect to paragraphs 99, 100, 101, and 102, the State hereby incorporates the following Interrogatory responses: No. 14(a) herein, with regard to hazardous substances, which are also pollutants, (specifically para. 71, 72, 74 and 75 of the FAC), No. 15(a), with regard to hazardous substances, which are also pollutants, (specifically para. 85, 86, 87 of the FAC) and No 16(a) (specifically para. 92 and 95), as if fully stated herein.

Paragraphs 103, 104 and 105 are legal conclusions which do not require further response. Additionally, the State will be providing George's with additional information of the relief sought herein pursuant to the Court's Scheduling Order (DKT #1376).

With respect to paragraph 106, the State will produce this information in accordance with the Court's Scheduling Order.

With respect to paragraph 107 the State incorporates its response to all paragraphs listed above.

With respect to paragraph 108, it is a legal conclusion which requires no further response. Additionally, the State will be providing George's with additional information of the relief sought herein pursuant to the Court's Scheduling Order (DKT # 1376).

(b) The State objects to this subset of the interrogatory to the extent that it improperly seeks identification of "each person" who has knowledge to support this contention. It may be impossible to identify "each person" who has knowledge of this contention. Thus it is overly broad and unduly burdensome. It also seeks information prior to the dates required by the Court's Scheduling Order. Subject to and without waiver of any objection, the State incorporates its response to Interrogatory No. 14(b) herein, with regard to hazardous substances, which are also pollutants.

(c) The State objects to this subset of the interrogatory to the extent that it improperly seeks identification of "each document and tangible item" that supports this contention. It may be impossible to identify "each document and tangible item" which supports this contention. Thus it is overly broad and unduly burdensome. It also seeks information prior to the dates required by the Court's Scheduling Order. Subject to and without waiver of any objection, knowledge about the environmental dangers of poultry waste which can be imputed to George's can be found, without limitation, in the discovery responses and documents of George's and the other defendants, publicly available literature, documents produced by the State, Governmental Reports and regulations, and deposition testimony. Further, the State incorporates its response to Interrogatory No. 14(c), with regard to hazardous substances, which are also pollutants, as if fully stated herein and further identifies the following additional documents which are representative of documents responsive to this request:

Avery, L. M., Killham, K., and Jones, D. L. (2005), Survival of E. Coli O157:H7 in Organic Wastes Destined for Land Application. *Journal of Applied Microbiology* 98(4): 814-22. (see pages 814-815, 820-821).

Coyne, M. S. and Blevins, R. L. (1995), Fecal Bacteria in Surface Runoff from Poultry-Manured Fields. *Animal Waste and the Land-Water Interface*. Boca Raton, Lewis Publishers: 77-87. (see pages 77, 80, 82, 85-86).

Crane, S R, Westerman, P W, and Overcash, M R. (1980) Dieoff of Fecal Indicator Organisms Following Land Application of Poultry Manure. *Journal of Environmental Quality* 9: 531-537. (see pages 531, 537).

Davis, R. K., Hamilton, S., and Van Brahana, J. (2005), Escherichia Coli Survival in Mantled Karst Springs and Streams, Northwest Arkansas Ozarks, U.S.A. *Journal of the American Water Resources Association* 41(6): 1279-1287 (see pages 1279-1280, 1284-1286).

Mawdsley, J. L., Bardgett, R. D., Merry, R. J., Pain, B. F., and Theodorou, M. K. (1995), Pathogens in Livestock Waste, Their Potential for Movement through Soil and Environmental Pollution. *Applied Soil Ecology: a Section of Agriculture, Ecosystems & Environment* 2(1): 1-15. (see pages 1-12).

Schumacher, J. G. (2003), Survival, Transport, and Sources of Fecal Bacteria in Streams and Survival in Land-Applied Poultry Litter in the Upper Shoal Creek Basin, Southwestern Missouri, 2001-2002. U.S. Geological Survey 03-4243. 45 p. (see pages 1-2, 5, 32-38).

Sobsey, M. D., Khatib, L.A., Hill, V. R., Atocilja, E., and Pillai, S. (2006), Pathogens in Animal Wastes and the Impacts of Waste Management Practices on Their Survival, Transport, and Fate. In *Animal Agriculture and the Environment: National Center for Manure and Animal Waste Management White Papers* (ed. J. M. Rice, D. F. Caldwell, and F. J. Humenik), American Society of Agricultural and Biological Engineers, 609-666 p. (see pages 609-651).

BACTI Database produced from the Oklahoma Department of Environmental Quality on July 2, 2007, which contains bacteria data from the IRW by county.

Avery, L. M., Killham, K., and Jones, D. L. (2005), Survival of E. Coli O157:H7 in Organic Wastes Destined for Land Application. *Journal of Applied Microbiology* 98(4): 814-22. (see pages 814-815, 820-821).

Crane, S.R., Westerman, P.W., and Overcash, M. R. (1980), Dieoff of Fecal Indicator Organisms Following Land Application of Poultry Manure. *Journal of Environmental Quality*, 9: 531-537. (see pages 531, 537).

Additional information responsive to the request will be disclosed in accordance with the Court's Scheduling Order. The State will supplement this interrogatory pursuant to the Court's Scheduling Order as necessary and if additional information is identified.

INTERROGATORY NO. 18: In Paragraphs 109 – 118 of Your Amended Complaint You generally assert Count 5 of your alleged claim against George's and allege that George's is guilty of or otherwise legally liable to You for certain acts more fully set forth in those Paragraphs. With respect to those allegations and averments, please state:

- (a) Separately, and describe fully, every fact and item of evidence upon which
You rely to support this contention;
- (b) The name, telephone number, address, and occupation of each person whom
You claim has knowledge to support this contention; and,
- (c) The identity of each document and other tangible item that supports this
contention and the name, address, and telephone number of each person who
has possession or custody of each such document or item.

RESPONSE TO INTERROGATORY NO. 18: The State incorporates its general objections. The State objects to this interrogatory to the extent it seeks information protected by the attorney client privilege or work product protection.

Additionally, the State objects to this interrogatory on the ground that it is improper, overbroad, unduly burdensome and premature. In essence, this interrogatory asks the State to set forth the *entirety* of its evidence supporting its claim under this Count. Discovery is still going on, and as such the State is still collecting and analyzing such evidence. Thus, the State is not in a position at this time to identify "every fact and item of evidence," and it is a premature contention interrogatory. The State objects to responding to this interrogatory as applied to the first paragraph of this Count on the ground that it is overbroad, unduly burdensome, harassing, and improper. Moreover, even if it were presently in a position to do so, to request that the State in fact do so would be unduly burdensome and harassing. The presentation of the entirety of a party's proof is a matter for trial and is inappropriate for an interrogatory mid-way through the discovery period. As such, in responding to this interrogatory, and subject to and without waiving its objections, the State will be providing merely representative exemplar information. It should be understood by George's that this information is merely representative and does not

necessarily include "every fact and item of evidence," etc. Additionally, given that there is overlap between subpart (a) (i.e., "every fact and item of evidence") and subparts (b) (i.e., "each person" with knowledge) and (c) (i.e., each document and other tangible item") of this interrogatory, responsive information provided in one subpart may be responsive to another subpart. As such, the State incorporates its response in each subpart into the other two subparts. Furthermore, the State objects to this interrogatory to the extent that it seeks information known or opinions held by expert consultants retained or specially employed by the State or by its counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B). Therefore, the State objects to any production of information prior to the applicable dates set by the Court's Scheduling Order. The State further objects because this interrogatory is unduly burdensome and is a contention interrogatory that asks the State essentially to state the factual and legal basis for an entire count of its lawsuit. The State also objects to this interrogatory to the extent that it improperly seeks identification of "every fact and item" of evidence. Thus it is overly broad and unduly burdensome. Subject to and without wavier of any of its objections, the State responds as follows:

The State hereby incorporates all objections and responses to Interrogatory No. 17 as if fully stated herein for paragraphs 109-115. Additionally the State will be providing George's with additional information of the relief sought herein (paragraphs 117-118) pursuant to the Court's Scheduling Order (DKT #1376). The State will supplement this interrogatory pursuant to the Court's Scheduling Order as necessary and if additional information is identified.

INTERROGATORY NO. 19: In Paragraphs 119 – 127 of Your Amended Complaint You generally assert Count 6 of your alleged claim against George's and allege that

George's is guilty of or otherwise legally liable to You for certain acts more fully set forth in those Paragraphs. With respect to those allegations and averments, please state:

- (a) Separately, and describe fully, every fact and item of evidence upon which You rely to support this contention;
- (b) The name, telephone number, address, and occupation of each person whom You claim has knowledge to support this contention; and,
- (c) The identity of each document and other tangible item that supports this contention and the name, address, and telephone number of each person who has possession or custody of each such document or item.

RESPONSE TO INTERROGATORY NO. 19: The State incorporates its general objections. The State objects to this interrogatory to the extent it seeks information protected by the attorney client privilege or work product protection.

Additionally, the State objects to this interrogatory on the ground that it is improper, overbroad, unduly burdensome and premature. In essence, this interrogatory asks the State to set forth the *entirety* of its evidence supporting its claim under this Count. Discovery is still going on, and as such the State is still collecting and analyzing such evidence. Thus, the State is not in a position at this time to identify "every fact and item of evidence," and it is a premature contention interrogatory. The State objects to responding to this interrogatory as applied to the first paragraph of this Count on the ground that it is overbroad, unduly burdensome, harassing, and improper. Moreover, even if it were presently in a position to do so, to request that the State in fact do so would be unduly burdensome and harassing. The presentation of the entirety of a party's proof is a matter for trial and is inappropriate for an interrogatory mid-way through the discovery period. As such, in responding to this interrogatory, and subject to and without

waiving its objections, the State will be providing merely representative exemplar information. It should be understood by George's that this information is merely representative and does not necessarily include "every fact and item of evidence," etc. Additionally, given that there is overlap between subpart (a) (i.e., "every fact and item of evidence") and subparts (b) (i.e., "each person" with knowledge) and (c) (i.e., each document and other tangible item") of this interrogatory, responsive information provided in one subpart may be responsive to another subpart. As such, the State incorporates its response in each subpart into the other two subparts. Furthermore, the State objects to this interrogatory to the extent that it seeks information known or opinions held by expert consultants retained or specially employed by the State or by its counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B). Therefore, the State objects to any production of information prior to the applicable dates set by the Court's Scheduling Order. The State further objects because this interrogatory is unduly burdensome and is a contention interrogatory that asks the State essentially to state the factual and legal basis for an entire count of its lawsuit. The State also objects to this interrogatory to the extent that it improperly seeks identification of "every fact and item" of evidence. Thus it is overly broad and unduly burdensome. Subject to and without waiver of any of its objections, the State responds as follows:

The State hereby incorporates all objections and responses to Interrogatory No. 17 as if fully stated herein for paragraphs 119-122. The foregoing facts constitute an actual physical invasion of the State's property interest in waters flowing in definite streams. Additionally the State will be providing George's with additional information of the relief sought herein (paragraphs 123-127) pursuant to the Court's Scheduling Order (DKT #1376).

The State will supplement this interrogatory pursuant to the Court's Scheduling Order as necessary and if additional information is identified.

INTERROGATORY NO. 20: In Paragraphs 128 – 132 of Your Amended Complaint You generally assert Count 7 of your alleged claim against George's and allege that George's is guilty of or otherwise legally liable to You for certain acts more fully set forth in those Paragraphs. With respect to those allegations and averments, please state:

- (a) Separately, and describe fully, every fact and item of evidence upon which You rely to support this contention;
- (b) The name, telephone number, address, and occupation of each person whom You claim has knowledge to support this contention; and,
- (c) The identity of each document and other tangible item that supports this contention and the name, address, and telephone number of each person who has possession or custody of each such document or item.

RESPONSE TO INTERROGATORY NO. 20: The State incorporates its general objections. The State objects to this interrogatory to the extent it seeks information protected by the attorney client privilege or work product protection.

Additionally, the State objects to this interrogatory on the ground that it is improper, overbroad, unduly burdensome and premature. In essence, this interrogatory asks the State to set forth the *entirety* of its evidence supporting its claim under this Count. Discovery is still going on, and as such the State is still collecting and analyzing such evidence. Thus, the State is not in a position at this time to identify "every fact and item of evidence," and it is a premature contention interrogatory. The State objects to responding to this interrogatory as applied to the first paragraph of this Count on the ground that it is overbroad, unduly burdensome, harassing,

and improper. Moreover, even if it were presently in a position to do so, to request that the State in fact do so would be unduly burdensome and harassing. The presentation of the entirety of a party's proof is a matter for trial and is inappropriate for an interrogatory mid-way through the discovery period. As such, in responding to this interrogatory, and subject to and without waiving its objections, the State will be providing merely representative exemplar information. It should be understood by George's that this information is merely representative and does not necessarily include "every fact and item of evidence," etc. Additionally, given that there is overlap between subpart (a) (i.e., "every fact and item of evidence") and subparts (b) (i.e., "each person" with knowledge) and (c) (i.e., each document and other tangible item") of this interrogatory, responsive information provided in one subpart may be responsive to another subpart. As such, the State incorporates its response in each subpart into the other two subparts. Furthermore, the State objects to this interrogatory to the extent that it seeks information known or opinions held by expert consultants retained or specially employed by the State or by its counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B). Therefore, the State objects to any production of information prior to the applicable dates set by the Court's Scheduling Order. The State further objects because this interrogatory is unduly burdensome and is a contention interrogatory that asks the State essentially to state the factual and legal basis for an entire count of its lawsuit. The State also objects to this interrogatory to the extent that it improperly seeks identification of "every fact and item" of evidence. Thus it is overly broad and unduly burdensome. Subject to and without waiver of any of its objections, the State responds as follows:

The State hereby incorporates all objections and responses to Interrogatory No. 17 as if fully stated herein for paragraphs 129-131. Additionally the State will be providing George's

with additional information on the relief sought herein (paragraph 132) pursuant to the Court's Scheduling Order (DKT #1376). The State will supplement this interrogatory pursuant to the Court's Scheduling Order as necessary and if additional information is identified.

INTERROGATORY NO. 21: In Paragraphs 133 - 136 of Your Amended Complaint You generally assert Count 8 of your alleged claim against George's and allege that George's is guilty of or otherwise legally liable to You for certain acts more fully set forth in those Paragraphs. With respect to those allegations and averments, please state:

- (a) Separately, and describe fully, every fact and item of evidence upon which You rely to support this contention;
- (b) The name, telephone number, address, and occupation of each person whom You claim has knowledge to support this contention; and,
- (c) The identity of each document and other tangible item that supports this contention and the name, address, and telephone number of each person who has possession or custody of each such document or item.

RESPONSE TO INTERROGATORY NO. 21: The State incorporates its general objections. The State objects to this interrogatory to the extent it seeks information protected by the attorney client privilege or work product protection.

Additionally, the State objects to this interrogatory on the ground that it is improper, overbroad, unduly burdensome and premature. In essence, this interrogatory asks the State to set forth the *entirety* of its evidence supporting its claim under this Count. Discovery is still going on, and as such the State is still collecting and analyzing such evidence. Thus, the State is not in a position at this time to identify "every fact and item of evidence," and it is a premature contention interrogatory. The State objects to responding to this interrogatory as applied to the

first paragraph of this Count on the ground that it is overbroad, unduly burdensome, harassing, and improper. Moreover, even if it were presently in a position to do so, to request that the State in fact do so would be unduly burdensome and harassing. The presentation of the entirety of a party's proof is a matter for trial and is inappropriate for an interrogatory mid-way through the discovery period. As such, in responding to this interrogatory, and subject to and without waiving its objections, the State will be providing merely representative exemplar information. It should be understood by George's that this information is merely representative and does not necessarily include "every fact and item of evidence," etc. Additionally, given that there is overlap between subpart (a) (i.e., "every fact and item of evidence") and subparts (b) (i.e., "each person" with knowledge) and (c) (i.e., each document and other tangible item") of this interrogatory, responsive information provided in one subpart may be responsive to another subpart. As such, the State incorporates its response in each subpart into the other two subparts. Furthermore, the State objects to this interrogatory to the extent that it seeks information known or opinions held by expert consultants retained or specially employed by the State or by its counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B). Therefore, the State objects to any production of information prior to the applicable dates set by the Court's Scheduling Order. The State further objects because this interrogatory is unduly burdensome and is a contention interrogatory that asks the State essentially to state the factual and legal basis for an entire count of its lawsuit. The State also objects to this interrogatory to the extent that it improperly seeks identification of "every fact and item" of evidence. Thus it is overly broad and unduly burdensome. Subject to and without wavier of any of its objections, the State responds as follows:

The State hereby incorporates all objections and responses to Interrogatory No. 17 as if fully stated herein for paragraphs 133-135. Additionally the State will be providing George's with additional information of the relief sought herein (paragraph 136) pursuant to the Court's Scheduling Order (DKT #1376). The State will supplement this interrogatory pursuant to the Court's Scheduling Order as necessary and if additional information is identified.

INTERROGATORY NO. 22: In Paragraphs 137 – 139 of Your Amended Complaint You generally assert Count 9 of your alleged claim against George's and allege that George's is guilty of or otherwise legally liable to You for certain acts more fully set forth in those Paragraphs. With respect to those allegations and averments, please state:

- (a) Separately, and describe fully, every fact and item of evidence upon which You rely to support this contention;
- (b) The name, telephone number, address, and occupation of each person whom You claim has knowledge to support this contention; and,
- (c) The identity of each document and other tangible item that supports this contention and the name, address, and telephone number of each person who has possession or custody of each such document or item.

RESPONSE TO INTERROGATORY NO. 22: The State is not presently pursuing this Count against George's. Because discovery is ongoing, the State will supplement this interrogatory if new information is discovered.

INTERROGATORY NO. 23: In Paragraphs 140 – 147 of Your Amended Complaint You generally assert Count 10 of your alleged claim against George's and allege that George's is guilty of or otherwise legally liable to You for certain acts more fully set forth in those Paragraphs. With respect to those allegations and averments, please state:

- (a) Separately, and describe fully, every fact and item of evidence upon which You rely to support this contention;
- (b) The name, telephone number, address, and occupation of each person whom You claim has knowledge to support this contention; and,
- (c) The identity of each document and other tangible item that supports this contention and the name, address, and telephone number of each person who has possession or custody of each such document or item.

RESPONSE TO INTERROGATORY NO. 23: The State incorporates its general objections. The State objects to this interrogatory to the extent it seeks information protected by the attorney client privilege or work product protection.

Additionally, the State objects to this interrogatory on the ground that it is improper, overbroad, unduly burdensome and premature. In essence, this interrogatory asks the State to set forth the *entirety* of its evidence supporting its claim under this Count. Discovery is still going on, and as such the State is still collecting and analyzing such evidence. Thus, the State is not in a position at this time to identify "every fact and item of evidence," and it is a premature contention interrogatory. The State objects to responding to this interrogatory as applied to the first paragraph of this Count on the ground that it is overbroad, unduly burdensome, harassing, and improper. Moreover, even if it were presently in a position to do so, to request that the State in fact do so would be unduly burdensome and harassing. The presentation of the entirety of a party's proof is a matter for trial and is inappropriate for an interrogatory mid-way through the discovery period. As such, in responding to this interrogatory, and subject to and without waiving its objections, the State will be providing merely representative exemplar information. It should be understood by George's that this information is merely representative and does not

necessarily include "every fact and item of evidence," etc. Additionally, given that there is overlap between subpart (a) (i.e., "every fact and item of evidence") and subparts (b) (i.e., "each person" with knowledge) and (c) (i.e., each document and other tangible item") of this interrogatory, responsive information provided in one subpart may be responsive to another subpart. As such, the State incorporates its response in each subpart into the other two subparts. Furthermore, the State objects to this interrogatory to the extent that it seeks information known or opinions held by expert consultants retained or specially employed by the State or by its counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B). Therefore, the State objects to any production of information prior to the applicable dates set by the Court's Scheduling Order. The State further objects because this interrogatory is unduly burdensome and is a contention interrogatory that asks the State essentially to state the factual and legal basis for an entire count of its lawsuit. The State also objects to this interrogatory to the extent that it improperly seeks identification of "every fact and item" of evidence. Thus it is overly broad and unduly burdensome. Subject to and without wavier of any of its objections, the State responds as follows:

(a) The State hereby incorporates all objections and responses to Interrogatory No. 17 as if fully stated herein. In addition, the George's Defendants have avoided the cost of proper handling and storage of poultry waste within the IRW by allowing its poultry waste to be land applied in the IRW. Because George's has avoided these costs of proper disposal by land application, the State's natural resources have served as George's' disposal facility without consent of the State. The State is therefore entitled to the costs George's would have incurred if it had properly managed and disposed of the wastes. Cost information responsive to this interrogatory will be produced pursuant to the Court's Scheduling Order. Additionally, the State

will be providing George's with additional information on the relief sought herein pursuant to the Court's Scheduling Order (DKT #1376).

(b) The State objects to this subset of the interrogatory to the extent that it improperly seeks identification of "each person" who has knowledge to support this contention. It may be impossible to identify "each person" who has knowledge of this contention. Thus, it is overly broad and unduly burdensome. It also seeks information prior to the dates required by the Court's Scheduling Order. Subject to and without waiver of any objection, the State incorporates its response to Interrogatory No. 14(b).

(c) The State objects to this subset of the interrogatory to the extent that it improperly seeks identification of "each document and tangible item" that supports this contention. It may be impossible to identify "each document and tangible item" which supports this contention. Thus, it is overly broad and unduly burdensome. It also seeks information prior to the dates required by the Court's Scheduling Order. Subject to and without waiver of any objection, the State incorporates its response to Interrogatory No. 14(c) and 17 (c) as if fully stated herein and further identifies the following additional documents which are representative of documents responsive to this request:

Avery, L. M., Killham, K., and Jones, D. L. (2005), Survival of E. Coli O157:H7 in Organic Wastes Destined for Land Application. *Journal of Applied Microbiology* 98(4): 814-22. (see pages 814-815, 820-821).

Coyne, M. S. and Blevins, R. L. (1995), Fecal Bacteria in Surface Runoff from Poultry-Manured Fields. *Animal Waste and the Land-Water Interface*. Boca Raton, Lewis Publishers: 77-87. (see pages 77, 80, 82, 85-86).

Crane, S R, Westerman, P W, and Overcash, M R. (1980) Dieoff of Fecal Indicator Organisms Following Land Application of Poultry Manure. *Journal of Environmental Quality* 9: 531-537. (see pages 531, 537).

Davis, R. K., Hamilton, S., and Van Brahana, J. (2005), *Escherichia Coli* Survival in Mantled Karst Springs and Streams, Northwest Arkansas Ozarks, U.S.A. *Journal of the American Water Resources Association* 41(6): 1279-1287 (see pages 1279-1280, 1284-1286).

Mawdsley, J. L., Bardgett, R. D., Merry, R. J., Pain, B. F., and Theodorou, M. K. (1995), Pathogens in Livestock Waste, Their Potential for Movement through Soil and Environmental Pollution. *Applied Soil Ecology: a Section of Agriculture, Ecosystems & Environment* 2(1): 1-15. (see pages 1-12).

Schumacher, J. G. (2003), Survival, Transport, and Sources of Fecal Bacteria in Streams and Survival in Land-Applied Poultry Litter in the Upper Shoal Creek Basin, Southwestern Missouri, 2001-2002. U.S. Geological Survey 03-4243. 45 p. (see pages 1-2, 5, 32-38).

Sobsey, M. D., Khatib, L.A., Hill, V. R., Atocilja, E., and Pillai, S. (2006), Pathogens in Animal Wastes and the Impacts of Waste Management Practices on Their Survival, Transport, and Fate. In *Animal Agriculture and the Environment: National Center for Manure and Animal Waste Management White Papers* (ed. J. M. Rice, D. F. Caldwell, and F. J. Humenik), American Society of Agricultural and Biological Engineers, 609-666 p. (see pages 609-651).

BACTI Database produced from the Oklahoma Department of Environmental Quality on July 2, 2007, which contains bacteria data from the IRW by county.

Avery, L. M., Killham, K., and Jones, D. L. (2005), Survival of *E. Coli* O157:H7 in Organic Wastes Destined for Land Application. *Journal of Applied Microbiology* 98(4): 814-22. (see pages 814-815, 820-821).

Crane, S.R., Westerman, P.W., and Overcash, M. R. (1980), Dieoff of Fecal Indicator Organisms Following Land Application of Poultry Manure. *Journal of Environmental Quality*, 9: 531-537. (see pages 531, 537).

Additional information responsive to the request will be disclosed in accordance with the Court's Scheduling Order. The State will supplement this interrogatory pursuant to the Court's Scheduling Order as necessary and if additional information is identified.

INTERROGATORY NO. 24: With respect to the damages alleged in Section VI 1. through 9 of Your First Amended Complaint, please state the amount of each category of damages claimed by You, the computation of each such category of damages, and the total amount of damages claimed. Also, please identify and describe any documents or other evidentiary material on which such computation is based, including materials bearing on the nature and extent of injuries suffered.

RESPONSE TO INTERROGATORY NO. 24: The State incorporates its general objections. The State objects to this interrogatory to the extent it seeks information protected by the attorney client privilege or work product protection. Further, the State objects to this interrogatory to the extent that it seeks information known or opinions held by expert consultants retained or specially employed by the State or by its counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B).

Further, the State objects to this interrogatory to the extent it inquires about the State's First Amended Complaint. The State will respond to this interrogatory with reference to the State's Second Amended Complaint. The State also objects to this interrogatory to the extent that it does not define what is intended by the use of the term "damages" in the context of the interrogatory and, thus, does not state with the required degree of specificity and particularity what information is being sought. As such this interrogatory is vague, indefinite, ambiguous, and not susceptible to easily discernible meaning. For the purpose of responding to this interrogatory, the State will assume that the term damages includes "monetary damages for injuries to natural resources," and does not include "assessment costs and expenses, remediation costs, restitution, disgorgement, punitive and exemplary damages, statutory penalties, prejudgment interest, and attorneys fees and costs" or any other relief sought in Section VI of the State's Second Amended Complaint.

The State further objects to the extent that this interrogatory is unreasonably cumulative or duplicative to the extent that it asks for "any" materials bearing on the nature and extent of injuries suffered. The State has responded to 172 Interrogatories, 420 Requests for Production of Documents, and has produced over one million pages of documents in this case that contain enormous volumes of information "bearing on the nature and extent" of the State's injuries.

Additionally, a tremendous amount of information related to such an inquiry is publicly available through sources that are equally accessible to George's as to the State. Other information that may be responsive to this interrogatory is also in the possession of or otherwise available to George's (and some of this information may not yet have even been made available to the State). Accordingly, the State objects to this interrogatory to the extent that it seeks the discovery of information that is in the possession of George's, is obtainable from another source that is more convenient, less burdensome or less expensive, or is as accessible to George's as it is to the State. As such, the burden of obtaining such sought-after information is substantially the same for George's as it is for the State.

Without waiving its objections, the State has not completed its analysis of monetary damages for injuries to natural resources in this case and, thus, cannot provide the "amount of each category of damages claimed," the "computation of each such category of damages" or the "the total amount of damages claimed." Further, the State is still in the process of characterizing its injuries. Therefore, the State is not presently in a position to answer this interrogatory. The State will produce its expert reports on injuries, damages and other related expert materials required to be disclosed in accordance with the Court's Scheduling Order.

INTERROGATORY NO. 25: Please identify and describe in detail every communication (including through press/media releases) You have had with any person (other than Your attorneys) concerning any fact or circumstance relating to any allegation in the Complaint. With respect to each such communication identified, please state:

- (a) The date and place of each such communication;
- (b) The name, telephone number, address, and occupation of the person making each such communication;

(c) The name, telephone number, address, and occupation of the person to whom each such communication was made;

(d) The name, telephone number, address, and occupation of any person(s), not identified in response to sub-paragraph "c," present when each such communication was made; and,

(e) Whether each such statement was oral, written, or recorded.

RESPONSE TO INTERROGATORY NO. 25: The State incorporates its general objections. The State objects to this interrogatory to the extent it seeks information protected by attorney client privilege or work product protection. Further, the State objects to this interrogatory to the extent that it seeks information known or opinions held by expert consultants retained or specially employed by the State or by its counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B).

The State objects to this interrogatory because it improperly seeks identification of "every communication," "with any person" concerning "any fact or circumstance" related to the State's allegations, as well as the "date and place" of each communication, the "name, telephone number, address, and occupation" of the person making each communication, the "name, telephone number, address, and occupation" of the person to whom each communication was made, the "name, telephone number, address, and occupation" of anyone present when each communication was made, and whether "each statement was oral, written, or recorded." Moreover, it seeks such information without any temporal limitation. Such a request is overly broad, oppressive and unduly burdensome to answer and it is impossible to identify all such information. Furthermore, given its breadth, it is not reasonably calculated to lead to the discovery of admissible evidence. It is, simply put, an improper interrogatory.

The State consists of numerous agencies, officials, employees, and other governmental entities that have regular and frequent communications related to the State's allegations in this case. It is impossible to identify every communication that the State and its agencies, officials employees, and other governmental entities have had with any person, let alone the location, substance and form of the communication, the date on which it took place, and the persons involved.

The State further objects to this interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, and the importance of the proposed discovery in resolving the issues. It is unnecessary for the conduct of this litigation for the State to recite every communication by any person, including the location, substance and form of the communication, the date on which it took place and the persons involved. Providing answers to this interrogatory would needlessly and improperly burden the State and would provide little, if any, benefit to the requesting party.

Further, the State objects to this interrogatory to the extent that they seek the discovery of information that is already in the possession of George's, is obtainable from another source that is more convenient, less burdensome or less expensive, or is as accessible to George's as it is to the State. A number of the State's communications have already been provided to George's in state agency productions. As such, the burden of obtaining such sought-after information is substantially the same for George's as it is for the State. The State further objects to the extent that this interrogatory seeks information that is unreasonably cumulative and/or duplicative.

INTERROGATORY NO. 26: Please identify and describe in detail every communication (including through press/media releases) any of Your representatives (including

counsel), or anyone acting on Your behalf, has had with any reporters or other members of the media concerning any fact or circumstance relating to any allegation in the Complaint. With respect to each such communication identified, please state:

- (a) The date and place of each such communication;
- (b) The name, telephone number, address, and occupation of the person making each such communication;
- (c) The name, telephone number, address, and occupation of the person to whom each such communication was made;
- (d) The name, telephone number, address, and occupation of any person(s), not identified in response to sub-paragraph "c," present when each such communication was made; and,
- (e) Whether each such statement was oral, written, or recorded.

RESPONSE TO INTERROGATORY NO. 26:

The State incorporates its general objections. The State objects to this interrogatory to the extent it seeks information protected by the attorney client privilege or work product protection. The State objects to this interrogatory because it improperly seeks identification of "every communication," the "date and place" of each communication, the "name, telephone number, address, and occupation" of the person making each communication, the "name, telephone number, address, and occupation" of the person to whom each communication was made, the "name, telephone number, address, and occupation" of anyone present when each communication was made, and whether "each statement was oral, written, or recorded." Moreover, it seeks such information without any temporal limitation. Such a request is overly broad, oppressive and unduly burdensome to answer and it is impossible to identify all such

information. Furthermore, given its breadth, it is not reasonably calculated to lead to the discovery of admissible evidence. It is, simply put, an improper interrogatory. The State consists of numerous agencies, officials, employees, and governmental entities that have regular and frequent contact with reporters and other members of the media throughout the country including, but not limited to, television stations, newspapers, radio stations, newsletters and online media outlets. It is impossible to identify every communication that the State and its agencies, officials, employees, and other governmental entities have had with any reporter or member of media related to the State's allegations in this case, let alone the location, substance and form of the communication, the date on which it took place, and the persons involved.

The State further objects to this interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, and the importance of the proposed discovery in resolving the issues. It is unnecessary for the conduct of this litigation for the State to recite every communication ever made to a reporter or member of the media, including the location, substance and form of the communication, the date on which it took place and the persons involved. Providing answers to this discovery requests would needlessly and improperly burden the State and would provide little, if any, benefit to the requesting party.

Further, the State objects to these discovery requests to the extent that they seek the discovery of information that is already in the possession of George's, is obtainable from another source that is more convenient, less burdensome or less expensive, or is as accessible to George's as it is to the State. A number of the State's communications with reporters and members of the media can be found by searching the archives of newspapers, state websites and online media outlets over the internet. As such, the burden of obtaining such sought-after information is

substantially the same for George's as it is for the State.

Without waiving its objections, the State responds as follows: The Oklahoma Attorney General and his staff have had communications with reporters and members of the media regarding the poultry industry and the pollution of the Illinois River Watershed on numerous occasions. Such communications may have been written or oral, and some were recorded by the media. Examples of the type of media with which the Oklahoma Attorney General or his staff may have regularly communicated include, but are not limited to, television stations, newspapers, radio stations, online media outlets, and newsletters. Communications with these sources may have been through any number of mechanisms including, but not limited to, in-person interviews, telephone interviews, electronic mail, op-ed pieces, press releases, press conferences, a website, public speeches, court appearances, congressional testimony, or legislative briefings. Most communications by the Oklahoma Office of Attorney General with reporters or members of the media regarding the poultry industry and pollution of the Illinois River Watershed are undertaken by the Attorney General, Charlie Price, Public Information Officer, or Emily Lang, Public Information Officer, although attorneys employed by the office may also communicate with the media regarding this subject on occasion. The Attorney General, Charlie Price and Emily Lang are employed at the Office of Attorney General which is located at 313 N.E. 21st Street, Oklahoma City, Oklahoma 73105, the office telephone number is 405-521-3921, and the website is www.oag.ok.gov.

The Office of Attorney General has issued press releases regarding the poultry industry and the pollution of the Illinois River Watershed. Many, if not all, of those press releases are listed below and the text of those listed is available at www.oag.ok.gov:

- [State Seeks to Halt Litter Application](#) [11/14/07]

- [Court Rejects Arkansas' Entry into Poultry Suit](#) [05/02/07]
- [AG Calls for SB507 Veto](#) [04/26/2007]
- [AG Calls for New Political Advertising Rules](#) [10/19/06]
- [State Prevails on Poultry Third-Party Defendant Motion](#) [09/21/06]
- [State Told to Proceed with Poultry Waste Sampling](#) [05/31/06]
- [Illinois River Outfitters Endorse State's Poultry Pollution Suit](#) [05/19/06]
- [Edmondson Asks Court to Dismiss Beebe Motion](#) [05/18/06]
- [Edmondson Says Beebe Filing is Just Politics](#) [05/02/06]
- [State Asks Court to Toss Poultry Claims](#) [04/03/06]
- [Federal Judge Grants State's Discovery Motion in Poultry Case](#) [03/23/06]
- [State Wants to Expedite Discovery in Poultry Case](#) [02/22/06]
- [Bill Gives Poultry a Free Pass to Pollute, AG Says](#) [02/16/06]
- [Green Country Group Supports State's Poultry Pollution Efforts](#) [01/23/06]
- [Grand Lake Association Supports Water Quality Efforts](#) [01/18/06]
- [Oklahoma Files Response to Arkansas Poultry Petition](#) [01/06/06]
- [Keep Oklahoma Beautiful Supports Efforts to Protect Water](#) [12/30/05]
- [Tenkiller Association Supports State's Efforts to Protect Water](#) [11/22/05]
- [Arkansas AG Attempts to Block Oklahoma Poultry Suit](#) [11/03/05]
- [Industry Blames 161 for Waste in Watershed](#) [10/04/05]
- [AG Sues Poultry Industry for Polluting Oklahoma Waters](#) [06/13/05]
- [Joint News Release on Poultry Litter Mediation - Day Two](#) [06/08/05]
- [Statement from Poultry Litter Mediation - Day 1](#) [06/07/05]
- [Poultry Litter Talks Set for June](#) [05/20/05]

- AG Warns of Dangers in SCR22 [04/21/05]
- Legislation's Defeat Clears Way for Renewed Water Talks [04/05/05]
- AG Calls Legislation 'Rotten Egg' [03/17/05]
- Edmondson Asks for Defeat of AG Powers and Duties Bill [03/07/05]
- Ad Campaign Jeopardizes Poultry Negotiations [01/06/05]
- AG, Poultry Industry Meeting Adjourns [12/10/04]
- Attorney General, Poultry Companies Issue Joint Statement [12/09/04]
- Henry, Edmondson Announce Water Quality Agreement [12/18/03]
- Edmondson Says He'll Sue if Arkansas Breaks Talks [11/01/02]
- Edmondson Says Poultry Meeting Productive [07/08/02]

The Attorney General has also spoken at press conferences regarding the poultry industry and the pollution of the Illinois River Watershed, examples of which are described in this paragraph. Some of the above listed press releases were issued in conjunction with press conferences where both print and broadcast media were present including, without limitation, one on November 14, 2007 at the Tulsa Office of the Attorney General, 440 S. Houston, Suite 505, Tulsa, Oklahoma City 74127, regarding the filing of the State's Motion for Preliminary Injunction; one on November 3, 2005 in the Governor's Blue Room at the Oklahoma State Capitol, 2300 N. Lincoln Blvd., Oklahoma City, OK 73105, regarding the State of Arkansas's filing in the Supreme Court; and one on June 13, 2005 at the Tulsa Office of Attorney General, 440 S. Houston, Suite 505, Tulsa, Oklahoma City 74127, regarding the State's filing of this lawsuit. The Attorney General also spoke at press conferences regarding the lawsuit including, without limitation, on October 27, 2006 at the Tulsa Press Club, 415 S Boston Ave., Tulsa, OK 74103.

The Attorney General has communicated with members of the media by appearing on television shows regarding the poultry industry and the pollution of the Illinois River Watershed. For example, he appeared on Flash Point airing on KFOR-TV, 444 E. Britton Rd., Oklahoma City, OK 73114 and telephone number (405) 424-4444, with Kevin Ogle, V. Burns Hargis and Michael C. Turpen on December 9, 2007, regarding a number of matters, including the litigation and preliminary injunction filed in this case, a copy of which may be located at: <http://www.kfor.com/Global/category.asp?C=22780> (2nd Segment) and he appeared on Oklahoma Horizons, 1500 W. 7th Ave., Stillwater, OK 74074 and telephone number 405-743-5166, on November 11, 2007, regarding the litigation, a copy of which may be located at http://www.okhorizon.com/2007_11_november.htm.

The Attorney General and/or his staff have communicated with editors, reporters or editorial boards for numerous newspapers, television stations, radio stations, radio shows, online media outlets, and newsletters on numerous occasions regarding the poultry industry and pollution of the Illinois River Watershed, examples of which may include the following list. The State has attempted to provide addresses and telephone numbers for many examples, but cannot guarantee their accuracy for all entries.

- The Daily Oklahoman – Main Office: 9000 N. Broadway, Oklahoma City, OK 73114 Capitol: Press Room 2300 N. Lincoln Blvd. Oklahoma City, OK 73105
 - Reporters communicated with may include, but are not limited to, the following:
 - Tony Thorton: 405-475-3311
 - Chad Prelich: 405 -475-3311 (formerly)
 - Devonna Walker: 405-475-3311
 - Jim Stafford: 405-475-3311
 - Sheila Stogsdale (N.E. Region): Unknown
 - John Griner (Capitol Bureau): 405-475-3405
 - Michael McNutt (Capitol Bureau): 405-475-3305

- Jennifer Mock(Capitol Bureau): 405-475-3105 (formerly)
 - Chris Casteel (Washington Bureau): 202-662-7543
- The Tulsa World – Main: 315 S. Boulder Ave., Tulsa, OK 74103 Capitol: Press Room, 2300 N. Lincoln Blvd., Oklahoma City, OK 73104
 - Reporters communicated with may include, but are not limited to, the following:
 - Curtis Killman: 918-581-8300
 - Rod Walton: 918-581-8300
 - Barbara Hoberock (Capitol Bureau): 405-528-2465
 - Mick Hinton (Capitol Bureau): 405 -528-2465
 - Angel Riggs (Capitol Bureau): 405-528-2465
 - Jim Myers, (Washington Bureau): 703-241-2608
- The Associated Press – Main: 525 Central Park Drive, Suite 202, Oklahoma City, OK 73105 Capitol: Press Room, 2300 N. Lincoln Blvd., Oklahoma City, OK 73105 Tulsa: PO Box 1770, Tulsa, OK 74102
 - Reporters communicated with may include, but are not limited to, the following:
 - Tim Talley (Capitol): 405-524-3368
 - Ron Jenkins (Capitol): 405-524-3368
 - Sean Murphy: 405-525-2121
 - Justin Juozapavicius (Tulsa): 918-524-4346
- The Muskogee Phoenix - 214 Wall Street, Muskogee, OK Telephone: 918-684-2828
 - Reporters communicated may with include, but are not limited to, the following:
 - David Gerard
- The Tahlequah Daily Press - P.O. Box 88, Tahlequah, Okla., 74465 Telephone: (918) 456-8833
 - Reporters communicated with may include, but are not limited to, the following:
 - Teddye Snell
- Sequoyah County Times: 111 N. Oak St., Sallisaw, OK 74955 Telephone: 1-800-495-4433
- Oologah Lake Leader: 109 S. Maple, Oologah, OK 74053 Telephone: 918-443-2428

- Reporters communicated with may include, but are not limited to, the following:
 - John Wylie
- The Arkansas Democrat Gazette – 121 E. Capitol Ave., Little Rock, AR 72201
 - Reporters communicated with may include, but are not limited to, the following:
 - Rob Smith: 479-770-8444
- The Arkansas Morning News – 2560 N. Lowell Rd., Springdale, AR 72765
 - Reporters communicated with may include, but are not limited to, the following:
 - John Moore: 479-872-5188
 - Bill Lonon: 479-872-5116
 - Scott Davis: (479) 575-1039 (Current number)
- The Washington Post: Website: www.washingtonpost.com
 - Reporters communicated with may include, but are not limited to, the following:
 - Juliet Eilperin: 800-627-1150
- Inside the EPA - 1225 S. Clark St., Suite 1400, Arlington VA 22202,
Telephone: 1-800-424-9068, Website: <http://www.insideepa.com/>.
- Reporters communicated with may include, but are not limited to, the following
- Wall Street Journal: 200 Liberty Street, New York, NY 10281 Telephone: 212-416-3859
 - Sarah Nassauer
- Politico.com - <http://www.politico.com/>
 - Reporters communicated with may include, but are not limited to, the following:
 - Erika Lovley, 1100 Wilson Blvd., 6th Floor, Arlington, VA 22209: 703-647-7687
- The Al Franken Show – Website: <http://www.airamerica.com/>
 - October 10, 2005
<http://www.airamericaplace.com/archive.php?mode=display&id=15484>

- KRMG-AM: 7136 S. Yale, Suite 500, Tulsa, OK 74136 Telephone: (918) 493-7400
- KTOK-AM: 500 Penn Place, Suite 1000, Oklahoma City, OK 73118 Business Telephone: (405) 840-5271
- KFOR: 444 E. Britton Rd., Oklahoma City, OK 73114 Telephone: (405) 425-4444
- KOCO: 1300 E. Britton Rd., Oklahoma City, OK 73131 Telephone: (405) 478-3000
- KOKH: 1228 E. Wilshire, Oklahoma City, OK 73111 Telephone (405) 843-2525
- KWTW: 7401 N. Kelley, Oklahoma City, OK 73111 Telephone (405) 843-6641
- OETA: 7403 N. Kelley Ave., Oklahoma City, OK 73111 Telephone (405) 848-8501
- KOKC: 400 E. Britton Rd., Oklahoma City, OK 73114 Telephone (405) 478-5104
- Metro Networks: Telephone (405) 942-3535
- KJRH: 3701 S. Peoria, Tulsa, OK 74101 Telephone: (918) 743-2222
- KOKI: 2625 S. Memorial, Tulsa, OK 74129 Telephone: (918) 388-5100
- KOTV: 302 S. Frankfort, Tulsa, OK 74120 Telephone: (918) 732-6000
- KTUL: 3200 S. 29th West Ave., Tulsa, OK 74107 Telephone: (918) 445-8888
- KFAQ: 4590 E. 29th St., Tulsa, OK 74114 Telephone (918) 743-7814
- KAUF: National Public Radio University of Arkansas, 747 W. Dickson, Fayetteville, AR 72701
 - Reporters communicated with may include, but are not limited to, the following:
 - Jacqueline Froelich, 479-575-6408

In addition to media already listed, the State may send press releases to the following news outlets. The State has attempted to provide addresses and telephone numbers for many examples, but cannot guarantee their accuracy for all entries

- Bigheart Times (Louise Redcorn) PO Box 469, Barnesdall, OK 74002 Telephone (918) 847-2916
- Bartlesville Examiner-Enterprise: PO Box 1278, Bartlesville 74005 Telephone: : 918-335-8200
- Cleveland American: PO Box 68, Cleveland, OK 74020 Telephone: (918) 358-2553
- Bryan County Star: PO Box 1427, Durant, OK 74702 Telephone: (580) 924-6499
- Durant Daily Democrat: PO Box 250, Durant, OK 74702 Telephone: (580) 924-4388
- Grove Sun Daily: PO Box 450969, Grove, OK 74345 Telephone: (918) 786-2228
- Inola Independent: PO Box 999, Inola, OK 74036 Telephone (918) 543-8786
- McAlester News-Capital (Doug Russell): PO Box 987, McAlester, OK 74502 Telephone: (918) 423-1700
- McCurtain Daily Gazette: PO Box 179, Idabel, OK 74745 Telephone: (580) 286-3321
- Miami News-Record (Krista Duhon): PO Box 940, Miami, OK 74355 Telephone: (918) 542-5533
- Muskogee Phoenix: djurkiewicz@muskogee phoenix.com
- Poteau Daily News: PO Box 1237, Poteau, OK 74953 Telephone: (918) 647-3188

- Sapulpa Daily Herald: PO Box 1370, Sapulpa, OK 74067 Telephone: (918) 224-5185
- Tahlequah Daily Press: PO Box 888, Tahlequah, OK 74465 Telephone: (918) 456-8833
- Sequoyah County Times: 111 N Oak St., Sallisaw, OK 74955 Telephone: (918) 775-4433
- Lone Grove Ledger: PO Box 577, Lone Grove, OK 73443 Telephone: (580) 657-6492
- Madill Record: PO Box 529, Madill, OK 73446 Telephone: 580-795-3355
- Pryor Daily News Dan Anderson: 105 S. Adair, Pryor, OK 74361 Telephone: (918) 825-3292
- KDOR, Channel 17: 2120 N. Yellowwood Ave., Broken Arrow, OK 74012 Telephone: (918) 250-0777
- KGEB, Channel 53: P.O. Box 3286 Tulsa, OK 74101 Telephone: (918) 488-5300
- KTFO, Channel 41: 2625 S. Memorial, Tulsa, OK 74129 Telephone: (918) 388-5100
- KWHB, Channel 47: 8835 S. Memorial Drive, Tulsa, OK 74133 Telephone: (918) 254-4701
- KOMI, Channel 24: 101 Centre, Ste. R, Woodward, OK 73801 Telephone: (580) 256-3825
- KBEZ, 92.9 FM: 7030 S. Yale, Ste. 711, Tulsa, OK 74136 Telephone: (918) 496-9336

- KCFO, 970 AM : 3737 S. 37th W. Ave, Tulsa, OK 74107 Telephone: (918) 445-1186
- KFAQ, 1170 AM: 4590 E. 29th St., Tulsa, OK 74114 Telephone: (918) 743-7814
- KHTT, 106.9 FM: 7030 S. Yale, Ste., 711 Tulsa, OK 74136 Telephone: (918) 492-2020
- KRAV, 96.5 FM: 7136 S. Yale, Ste. 500, Tulsa, OK 74136 Telephone: (918) 491-9696
- KNYD, 90.5 FM: 11717 S. 129th E. Ave., Broken Arrow, OK 74011 Telephone: (918) 455-5693
- KRMG, 740 AM (Paul Crockett): 7136 S. Yale, #500, Tulsa, OK 74136 Telephone: (918) 493-7400
- KTBT, 101.5 FM: 2625 S. Memorial Drive, Tulsa, OK 74129 Telephone: (918) 664-2810
- KVOO-FM, 98.5 FM: 4590 E. 29th Street, Tulsa, OK 74114 Telephone: (918) 743-7814
- KWEN, 95.5 FM: 7136 S. Yale., #500, Tulsa, OK 74136 Telephone: (918) 494-9500
- KWGS, 89.5 FML: 600 S. College, Tulsa, OK 74101 Telephone: (918) 631-2577
- Bixby Bulletin, Catoosa Times, Jenks Journal: 8545 E 41st St., Tulsa, OK 74145 Telephone: (918) 663-1414
- The following electronic mail contacts:
 - joplinnews@joplintsb.com
 - american74523@prodigy.net

- baedit@neighbor-newspapers.com
- maned@swbell.com
- fvwrep@pldi.com
- constantly25@hotmail.com
- ledger@clnk.com
- neweditor2@mindspring.com
- hdn@renet.com
- hermanhlt@aol.com

The Attorney General has communicated with members of the media by submission of op-ed pieces and letters to the editor regarding the poultry industry and pollution of the Illinois River Watershed, examples of which are as follows: On March 22, 2006, the Attorney General wrote a letter to the editor which was sent to David Gerard of the Muskogee Phoenix responding to a letter to the editor by Keith Morgan. On January 12, 2005, the Attorney General sent an op-ed to the Daily Oklahoma entitled "Honest Pollution Talks Needed." On January 26, 2005, the Attorney General sent an op-ed to Hoby Hammer at Fairview Republican entitled "Honest Pollution Talks Needed. On July 8, 2007, an editorial by the Attorney General entitled "Meaningful Reform Possible" was published in the Daily Oklahoman.

The State has also communicated with reporters and other members of the media through other officials, agencies, employees, and other governmental entities, some examples of which are listed in this paragraph. The Oklahoma Secretary of Environment's Office has had communications with reporters and members of the media regarding the poultry industry and the pollution of the Illinois River Watershed on numerous occasions. Such communications may

have been written or oral, and some were likely recorded by the media. The types of media with which the Oklahoma Secretary of Environment's Office may have regularly communicated on this subject primarily includes, but are not limited to, newspapers. Communications with these sources or other sources may have been through any number of mechanisms including, but not limited to, in-person interviews, telephone interviews, op-ed pieces, letters to the editor, a website, electronic mail, press conferences, public speeches, or legislative briefings. Many, if not, all of the opinion pieces or letters to the editor are listed below.

- Simple Ambition for Scenic Rivers, *Daily Oklahoman* [12/9/07]
- Fully Involved, *Daily Oklahoman* [10/19/06]
- Poultry Industry Should Pay for the Damage Done by Litter, *Muskogee Phoenix* [9/9/06]
- Mixing Boots and Birkenstocks, *Daily Oklahoman* [5/8/05]

The Secretary of the Environment and/or his staff may have communicated with editors, and reporters for newspapers on numerous occasions regarding the poultry industry and pollution of the Illinois River Watershed, examples of which may include the following list. The State has attempted to provide addresses and telephone numbers for many examples, but cannot guarantee their accuracy for all entries.

- The Daily Oklahoman – Main Office: 9000 N. Broadway, Oklahoma City, OK 73114 Capitol: Press Room 2300 N. Lincoln Blvd. Oklahoma City, OK 73105
 - Reporters communicated with may include, but are not limited to, the following:
 - Tony Thorton: 405-475-3311
 - Chad Previc: 405 -475-3311 (formerly)
 - Sheila Stogsdale (N.E. Region): Unknown
 - John Griner (Capitol Bureau): 405-475-3405

- Michael McNutt (Capitol Bureau): 405-475-3305
 - Jennifer Mock (Capitol Bureau): 405-475-3105 (formerly)
 - Jack Money: 405-475-3311
 - Jim Killackey 405-475-3311
 - Tom Lindley (985) 898-5054

- The Tulsa World – Main: 315 S. Boulder Ave., Tulsa, OK 74103 Capitol: Press Room, 2300 N. Lincoln Blvd., Oklahoma City, OK 73104
 - Reporters communicated with may include, but are not limited to, the following:
 - Mick Hinton (Capitol Bureau): 405 -528-2465
 - Curtis Killman: 918-581-8300
 - Brian Barber: 918-581-8322
 - P.J. Lassek (918) 581-8382
 - Jim Myers, (Washington Bureau): 703-241-2608
 - Rod Walton: 918-581-8457
 - Rhett Morgan: 918-581-8395
 - Shaun Schafer: 918-581-8320 (formerly)
 - Barbara Hobersock, 405 528-2465

- The Associated Press – Main: 525 Central Park Drive, Suite 202, Oklahoma City, OK 73105 Capitol: Press Room, 2300 N. Lincoln Blvd., Oklahoma City, OK 73105 Tulsa: PO Box 1770, Tulsa, OK 74102
 - Reporters communicated with may include, but are not limited to, the following:
 - Melissa Nelson
 - Kelly Kurt (Tulsa)
 - Shaun Schafer
 - David Hammer

- The Arkansas Democrat Gazette – 121 E. Capitol Ave., Little Rock, AR 72201
 - Reporters communicated with may include, but are not limited to, the following:
 - Rob Smith : 479-770-8444
 - Brad Branan: 479-770-8444
 - Jeff Della Rosa

- The Arkansas Morning News – 2560 N. Lowell Rd., Springdale, AR 72765

- Reporters communicated with may include, but are not limited to, the following:
 - John Moore: 479-872-5188
 - Scott Davis: (479) 575-1039 (Current number)
 - Robin Mero: 479-273-7600 (main number)
 - Richard Dean Prudenti: 479-273-7600
 - Drew Terry: 479-273-7600
 - Matthew Walter: 479-273-7600
- Wall Street Journal: 200 Liberty Street, New York, NY 10281 Telephone: 212-416-3859
- Reporters communicated with may include, but are not limited to, the following
 - Sarah Nassauer

The Oklahoma Office of the Secretary of Environment's communications with reporters or other members of the media on this subject since January 9, 2003 have been primarily through Miles Tolbert, Secretary of Environment, or J.D. Strong, Chief of Staff. The address for the Oklahoma Secretary of Environment is 3800 N. Classen Blvd., Oklahoma City, OK 73118, the telephone number is (405) 530-8990 and website is <http://www.environment.ok.gov/>. The Oklahoma Scenic Rivers Commission has had communications with reporters and members of the media regarding the poultry industry and the pollution of the Illinois River Watershed on numerous occasions. Such communications may have been written or oral, and some may have been recorded by the media. Examples of the type of media with which the Oklahoma Scenic Rivers Commission may have regularly communicated on this subject include, but are not limited to, television stations, newspapers, and radio stations. Communications with these sources may have been through any number of mechanisms including, but not limited to, in-person interviews, telephone interviews, electronic mail, press releases, press conferences, public speeches, public meetings, a website, newsletters, or legislative briefings, examples of which may include the following list. The State has attempted to provide addresses and telephone numbers for many examples, but cannot guarantee their accuracy for all entries.

- The Daily Oklahoman – Main Office: 9000 N. Broadway, Oklahoma City, OK 73114 Capitol: Press Room 2300 N. Lincoln Blvd. Oklahoma City, OK 73105
 - Reporters communicated with may include, but are not limited to, the following:
 - Chad Previch: 405 -475-3311 (formerly)
- The Tulsa World – Main: 315 S. Boulder Ave., Tulsa, OK 74103 Capitol: Press Room, 2300 N. Lincoln Blvd., Oklahoma City, OK 73104
 - Reporters communicated with may include, but are not limited to, the following:
 - Rod Walton: 918-581-8300
- The Arkansas Democrat Gazette – 121 E. Capitol Ave., Little Rock, AR 72201
 - Reporters communicated with may include, but are not limited to, the following:
 - Rob Smith : 479-770-8444
- The Arkansas Morning News – 2560 N. Lowell Rd., Springdale, AR 72765
 - Reporters communicated with may include, but are not limited to, the following:
 - John Moore: 479-872-5188
 - Scott Davis: (479) 575-1039 (Current number)
- The Muskogee Phoenix - 214 Wall Street, Muskogee, OK Telephone: 918-684-2828
 - Reporters communicated with may include, but are not limited to, the following:
 - David Gerard
 - Donna Hales
- The Tahlequah Daily Press - P.O. Box 88, Tahlequah, Okla., 74465 Telephone: (918) 456-8833
 - Reporters communicated with may include, but are not limited to, the following:
 - Teddye Snell
- KTUL: 3200 S. 29th West Ave., Tulsa, OK 74107 Telephone: (918) 445-8888
- KOKI: 2625 S. Memorial, Tulsa, OK 74129 Telephone: (918) 388-5100

- KJRH: 3701 S. Peoria, Tulsa, OK 74101 Telephone: (918) 743-2222
- KOTV: 302 S. Frankfort, Tulsa, OK 74120 Telephone: (918) 732-6000
- KRMG-AM: 7136 S. Yale, Suite 500, Tulsa, OK 74136 Telephone: (918) 493-7400
- KHBS-KHOG -40/29TV:
 - KHBS: 2415 North Albert Pike, Fort Smith, AR 72904 Phone: (479)783-4040
 - KHOG: 2809 Ajax Avenue, Suite 200, Rogers, Arkansas 72758 Telephone: (479) 631- 4029 (main)
- OETA (Tulsa 11): 7403 N. Kelley Ave., Oklahoma City, OK 73111 Telephone (405) 848-8501
- AETN (Fayetteville 13): 350 S. Donaghey, Conway, AR 72034 Telephone: (800)-662-2386
- KTLQ-KEOK: 517 S. Muskogee Ave., Tahlequah, Oklahoma 74464 Telephone: (918)456-2511

The Oklahoma Scenic River's Commission's communications with reporters have primarily been through Ed Fite, Administrator of the Commission. Individual Commissioners have had communications with reporters or members of the media that are not addressed herein. The address for the Oklahoma Scenic Rivers Commission is P.O. Box 292, Tahlequah, OK 74465, the telephone number is (918) 456-3251, and the website is <http://www.oklahomascenicrivers.net/index.asp>.

INTERROGATORY NO. 27: Please identify and describe in detail every communication You or any of Your representatives (including counsel), or anyone acting on Your behalf, has had with any known or suspected current or former employees of George's, Inc.

or George's Farms, Inc. concerning any fact or circumstance relating to any allegation in the Complaint. With respect to each such communication identified, please state:

- (a) The date and place of each such communication;
- (b) The name, telephone number, address, and occupation of the person making each such communication;
- (c) The name, telephone number, address, and occupation of the person to whom each such communication was made;
- (d) The name, telephone number, address, and occupation of any person(s), not identified in response to sub-paragraph "c," present when each such communication was made; and,
- (e) Whether each such statement was oral, written, or recorded.

RESPONSE TO INTERROGATORY NO. 27: The State incorporates its general objections. The State objects to this Interrogatory to the extent that it seeks information protected by attorney client privilege or work product protection. The State further objects to this interrogatory to the extent that it improperly seeks identification of "*every* communication" "*concerning any* fact or circumstance relating to *any* allegation in the Complaint." Thus, this Interrogatory is facially overly broad and unduly burdensome. It may be impossible to identify all such communications. The State yet further objects to this Interrogatory on the ground that the term "employees" is undefined and therefore susceptible to potentially differing interpretations. The State also objects to this Interrogatory on the ground that it is unlimited in time, and is therefore overly broad and burdensome for this reason as well. The State also objects to this Interrogatory on the ground that it is overly broad and burdensome in that it is impossible to identify each and every communication that would be responsive to this

Interrogatory inasmuch as communications with current and former employees of George's may have occurred, without limitation, in public meetings, private meetings, at speeches, presentations and conferences, on phone calls, by letter, by e-mail, in judicial proceedings (e.g., depositions), and in connection with performance of State statutory responsibilities.

Subject to and without waiver of these objections or its general objections, the State states: Examples of communications with George's employees, past or present, concerning facts and circumstances relating to allegations in the Complaint have or may have occurred, without limitation, in connection with (1) regulatory contacts, (2) mediation, (3) sampling events, and (4) depositions.

INTERROGATORY NO. 28: Please state the name, address, telephone number, and occupation of any person providing information for, preparing, or assisting in the preparation of Your Answers and Responses to these discovery requests and please state specifically each Answer or Response each person assisted with.

RESPONSE TO INTERROGATORY NO. 28: The State incorporates its general objections. The State further objects to the extent that this interrogatory seeks information which are protected by attorney client privilege and work product protection. Further, the State objects to this interrogatory to the extent that it seeks information known or opinions held by expert consultants retained or specially employed by the State or by its counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B). The State yet further objects to this interrogatory on the ground that there are scores of persons who have provided, directly and indirectly, information that has assisted in the State's preparation of its answers to these interrogatories; to attempt to identify all of these individuals would be unduly burdensome.

Subject to and without waiving its objections above or its general objections, the State prepared its responses with information obtained from various sources, including but not limited to, state and federal governmental sources, publicly available information, its investigations, and its experts with the assistance of counsel in consultation with officials and employees of the State.

RESPONSES AND OBJECTIONS TO REQUESTS FOR PRODUCTION

REQUEST NO. 1: If You answered Interrogatory No. 1 in the affirmative, produce all Documents or other materials which in any manner demonstrate that such storage or application events as are specified in the interrogatory occurred.

RESPONSE TO REQUEST NO.1: The State incorporates its general objections set forth herein, and the State further objects to the extent that this request includes documents which are protected by attorney client privilege, work product protection, or which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Subject to and without waiver of any objection, the State incorporates its objections and responses to Interrogatory No. 1 as if fully stated herein.

REQUEST NO. 2: If You answered Interrogatory No. 2 in the affirmative, produce all Documents or other materials which in any manner demonstrate that such storage or application events as are specified in the interrogatory occurred.

RESPONSE TO REQUEST NO.2: The State incorporates its general objections set forth herein, and the State further objects to the extent that this request includes documents which are protected by attorney client privilege, work product protection, or which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Subject to and without waiver of any objection, the State incorporates its objections and responses to Interrogatory No. 2 as if fully stated herein.

REQUEST NO. 3: If You answered Interrogatory No. 3 in the affirmative, produce all Documents or other materials which in any manner demonstrate that such storage or application events as are specified in the interrogatory occurred.

RESPONSE TO REQUEST NO. 3: The State incorporates its general objections set forth herein, and the State further objects to the extent that this request includes documents which are protected by attorney client privilege, work product protection, or which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

The State incorporates its objections and responses to Interrogatory No. 3 as if fully stated herein. Subject to and without waiver of any objection, the State did not respond in the affirmative, therefore no documents are responsive to the State's response.

REQUEST NO. 4: If You answered Interrogatory No. 4 in the affirmative, produce all Documents or other materials which in any manner demonstrate that such storage or application events as are specified in the interrogatory occurred.

RESPONSE TO REQUEST NO. 4: The State incorporates its general objections set forth herein, and the State further objects to the extent that this request includes documents which are protected by attorney client privilege, work product protection, or which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

The State incorporates its objections and responses to Interrogatory No. 5 as if fully stated herein. Subject to and without waiver of any objection, the State did not respond in the affirmative, therefore no documents are responsive to the State's response.

RESPONSE TO REQUEST NO. 5: There was no Request No. 5 in George's submission to the State.

REQUEST NO. 6: Please produce a complete copy of any and all documents, items, and things that You obtained from the agencies, individuals or organizations identified in Your Answer to Interrogatory No. 10 above.

RESPONSE TO REQUEST NO. 6: The State incorporates its general objections. The State objects to this Request for production to the extent it seeks information protected by the attorney client privilege or work product protection. Further, the State objects to this Request to the extent that it seeks information known or opinions held by expert consultants retained or specially employed by the State or by its counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B). Additionally, the State objects to this Request to the extent that it improperly seeks production of "each and every" document, item, and thing; this is overly broad and unduly burdensome and it may be impossible to identify "each and every" such document, item, and thing, and, in any event, the burden of trying to create such a list greatly outweighs any potential usefulness. The State also objects to this Request to the extent that it seeks information already in the possession of George's, and in such instances it is therefore overly burdensome and harassing. The State further objects to this Request on the grounds that is unrestricted in time and therefore is unduly burdensome and overbroad. The State will respond to this Request for the time period since the filing of this lawsuit. Finally, the State

objects to the extent that this Request seeks information that is unreasonably cumulative and/or duplicative.

Subject to and without waiver of its general objections and the objections above, the State will produce the following non-privileged, non-work product materials: materials received as a result of a public information request from the Arkansas Department of Environmental Quality, materials received as a result of a public information request from United States Environmental Protection Agency, and materials received as a result of a public information request from the Arkansas Natural Resources Commission.

The State has already produced the following FOIA received documents:

1. United States Department of Agriculture, Bates No. USDA00000001-USDA000688, produced on June 15, 2006.
2. United States Fish and Wildlife Service, Bates No. USFWS0000001-USFWS0000774, produced on June 15, 2006.
3. United States Army Corp of Engineers, Bates Nos. USACE00000001-USACE0000135, produced on June 15, 2006.

The State has also already produced the following data received from the United States Geological Survey:

1. USGS DATA, Bates Range STOK18518-18540, produced on February 1, 2007.
2. USGS Data, attached hereto as Exhibit 2.

The State has also provided all subpoenaed information to the Defendants from various third party sources.

The State will provide information received from county governments in Oklahoma and Arkansas in accordance with the Court's Scheduling Order regarding the expert reliance

materials for the Preliminary Injunction. The State reserves to supplement this request for production if additional information is identified. Expert reports and reliance materials will be disclosed in accordance with the Court's Scheduling Order.

REQUEST NO. 7: Please produce a copy of each document, data compilation, and tangible item identified in Your Response to Interrogatory No. 12.

RESPONSE TO REQUEST NO. 7: The State incorporates its general objections set forth herein, and the State further objects to the extent that this request includes documents which are protected by attorney client privilege, work product protection, or which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

The State incorporates its response and objections to Interrogatory No. 12 as if fully stated herein.

REQUEST NO. 8: Please produce a copy of each document, data compilation, and tangible item identified in Your Response to Interrogatory No. 14.

RESPONSE TO REQUEST NO. 8: The State incorporates its general objections set forth herein, and the State further objects to the extent that this request includes documents which are protected by attorney client privilege, work product protection, or which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Subject to and without waiving the foregoing objections, the State incorporates its objections and response to Interrogatory No. 14 as if fully stated herein. The State has produced all documents referenced in its response to Interrogatory No. 14 at State agency document

productions, other discovery responses, its Preliminary Injunction Motion or will produce them in accordance with the Court's Scheduling Orders regarding expert disclosures.

REQUEST NO. 9: Please produce a copy of each document, data compilation, and tangible item identified in Your Response to Interrogatory No. 15.

RESPONSE TO REQUEST NO. 9: The State incorporates its general objections set forth herein, and the State further objects to the extent that this request includes documents which are protected by attorney client privilege, work product protection, or which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Subject to and without waiving the foregoing objections, the State incorporates its objections and response to Interrogatory No. 15 as if fully stated herein. The State has produced all documents referenced in its response to Interrogatory No. 15 at State agency document productions, other discovery responses, its Preliminary Injunction Motion or will produce them in accordance with the Court's Scheduling Orders regarding expert disclosures.

REQUEST NO. 10: Please produce a copy of each document, data compilation, and tangible item identified in Your Response to Interrogatory No. 16.

RESPONSE TO REQUEST NO. 10: The State incorporates its general objections set forth herein, and the State further objects to the extent that this request includes documents which are protected by attorney client privilege, work product protection, or which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Subject to and without waiving the foregoing objections, the State incorporates its objections and response to Interrogatory No. 16 as if fully stated herein. The State has produced

all documents referenced in its response to Interrogatory No. 16 at State agency document productions, other discovery responses, its Preliminary Injunction Motion or will produce them in accordance with the Court's Scheduling Orders regarding expert disclosures.

REQUEST NO. 11: Please produce a copy of each document, data compilation, and tangible item identified in Your Response to Interrogatory No. 17.

RESPONSE TO REQUEST NO. 11: The State incorporates its general objections set forth herein, and the State further objects to the extent that this request includes documents which are protected by attorney client privilege, work product protection, or which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Subject to and without waiving the foregoing objections, the State incorporates its objections and response to Interrogatory No. 17 as if fully stated herein. The State has produced all documents referenced in its response to Interrogatory No. 17 at State agency document productions, other discovery responses, its Preliminary Injunction Motion or will produce them in accordance with the Court's Scheduling Orders regarding expert disclosures.

REQUEST NO. 12: Please produce a copy of each document, data compilation, and tangible item identified in Your Response to Interrogatory No. 18.

RESPONSE TO REQUEST NO. 12: The State incorporates its general objections set forth herein, and the State further objects to the extent that this request includes documents which are protected by attorney client privilege, work product protection, or which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Subject to and without waiving the foregoing objections, the State incorporates its objections and response to Interrogatory No. 18 as if fully stated herein. The State has produced all documents referenced in its response to Interrogatory No. 18 at State agency document productions, other discovery responses, its Preliminary Injunction Motion or will produce them in accordance with the Court's Scheduling Orders regarding expert disclosures.

REQUEST NO. 13: Please produce a copy of each document, data compilation, and tangible item identified in Your Response to Interrogatory No. 19.

RESPONSE TO REQUEST NO. 13: The State incorporates its general objections set forth herein, and the State further objects to the extent that this request includes documents which are protected by attorney client privilege, work product protection, or which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Subject to and without waiving the foregoing objections, the State incorporates its objections and response to Interrogatory No. 19 as if fully stated herein. The State has produced all documents referenced in its response to Interrogatory No. 19 at State agency document productions, other discovery responses, its Preliminary Injunction Motion or will produce them in accordance with the Court's Scheduling Orders regarding expert disclosures.

REQUEST NO. 14: Please produce a copy of each document, data compilation, and tangible item identified in Your Response to Interrogatory No. 20.

RESPONSE TO REQUEST NO. 14: The State incorporates its general objections set forth herein, and the State further objects to the extent that this request includes documents which are protected by attorney client privilege, work product protection, or which have been

prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Subject to and without waiving the foregoing objections, the State incorporates its objections and response to Interrogatory No. 20 as if fully stated herein. The State has produced all documents referenced in its response to Interrogatory No. 20 at State agency document productions, other discovery responses, its Preliminary Injunction Motion or will produce them in accordance with the Court's Scheduling Orders regarding expert disclosures..

REQUEST NO. 15: Please produce a copy of each document, data compilation, and tangible item identified in Your Response to Interrogatory No. 21.

RESPONSE TO REQUEST NO. 15: The State incorporates its general objections set forth herein, and the State further objects to the extent that this request includes documents which are protected by attorney client privilege, work product protection, or which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Subject to and without waiving the foregoing objections, the State incorporates its objections and response to Interrogatory No. 21 as if fully stated herein. The State has produced all documents referenced in its response to Interrogatory No. 21 at State agency document productions, other discovery responses, its Preliminary Injunction Motion or will produce them in accordance with the Court's Scheduling Orders regarding expert disclosures..

REQUEST NO. 16: Please produce a copy of each document, data compilation, and tangible item identified in Your Response to Interrogatory No. 22.

RESPONSE TO REQUEST NO. 16: The State is not presently pursuing this count against Georges. Because Discovery is ongoing, the State will supplement this interrogatory if new information is discovered.

REQUEST NO. 17: Please produce a copy of each document, data compilation, and tangible item identified in Your Response to Interrogatory No. 23.

RESPONSE TO REQUEST NO. 17: The State incorporates its general objections set forth herein, and the State further objects to the extent that this request includes documents which are protected by attorney client privilege, work product protection, or which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Subject to and without waiving the foregoing objections, the State incorporates its objections and response to Interrogatory No. 23 as if fully stated herein. The State has produced all documents referenced in its response to Interrogatory No. 23 at State agency document productions, other discovery responses, its Preliminary Injunction Motion or will produce them in accordance with the Court's Scheduling Orders regarding expert disclosures.

REQUEST NO. 18: Please produce a copy of each document, data compilation, tangible item, and other evidentiary material identified in Your Response to Interrogatory No. 24.

RESPONSE TO REQUEST NO. 18: The State incorporates its general objections set forth herein, and the State further objects to the extent that this request includes documents which are protected by attorney client privilege, work product protection, or which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Subject to and without waiving the foregoing objections, the State incorporates its objections and responses to Interrogatory No. 24 as if fully stated herein.

REQUEST NO. 19: Please produce a copy of any documentary information of any kind, including any and all tangible items, documents, tapes, e-mails, recordings, or any other object, document, or record of any kind of description, which You received from or as a result of the communications identified in your Response to Interrogatory No. 27.

RESPONSE TO REQUEST NO. 19: The State incorporates its general objections set forth herein, and the State further objects to the extent that this request includes documents which are protected by attorney client privilege, work product protection, or which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Subject to and without waiving the foregoing objections, the State incorporates its objections and responses to Interrogatory No. 27 as if fully stated herein. Documents responsive to this request related to regulatory contacts will likely be found in the agency document productions at the relevant State Agencies to extent that they are relevant and not otherwise objected to. With regard to other categories identified in response to Interrogatory No. 27, to the extent that documents exist they will already be in the possession of Georges.

REQUEST NO. 20: Please produce a copy of any documentary information of any kind, including any and all tangible items, documents, tapes, e-mails, recordings, or any other object, document, or record of any kind of description that mentions or refers to George's, Inc. or George's Farms, Inc. that you received from any person or entity other than George's.

RESPONSE TO REQUEST NO. 20: The State incorporates its general objections set forth herein, and the State further objects to the extent that this request includes documents

which are protected by attorney client privilege, work product protection, or which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter. The State further objects to this request because it overly broad, unduly burdensome, harassing and vexatious.

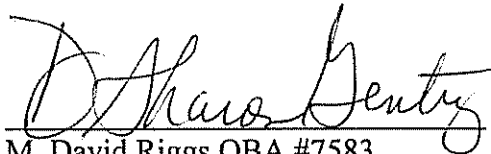
REQUEST NO. 21: Please produce a copy of any documentary information of any kind, including any and all tangible items, documents, tapes, e-mails, recordings, or any other object, document, or record of any kind of description, which You reviewed or otherwise used in any manner to assist You in preparing Your Answers and Responses.

RESPONSE TO REQUEST NO. 21: The State incorporates its general objections set forth herein, and the State further objects to the extent that this request includes documents which are protected by attorney client privilege, work product protection, or which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Subject to and without waiving the foregoing objections, the State incorporates its objections and responses to Interrogatory No. 28 as if fully stated herein.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of January, 2008, I electronically transmitted the above and foregoing pleading to the Clerk of the Court using the ECF System for filing and a transmittal of a Notice of Electronic Filing to the following ECF registrants:

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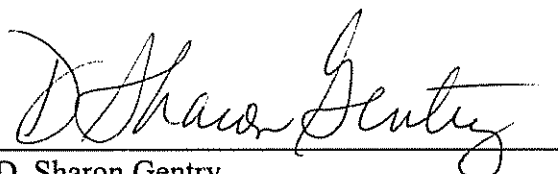
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